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PLANNING AND DEVELOPMENT ACT 2005

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**SHIRE OF CHAPMAN VALLEY**

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**LOCAL PLANNING  
SCHEME No. 2  
DISTRICT ZONING SCHEME**



**PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME

*Shire of Chapman Valley***LOCAL PLANNING SCHEME No. 2**

Ref: TPS/0391

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Chapman Valley Local Planning Scheme No. 2 on 30 October 2013, the scheme text of which is published as a schedule annexed hereto.

J. P. COLLINGWOOD Shire President.  
M. BATTILANA Chief Executive Officer.

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**Preamble**

This Local Planning Scheme of the Shire of Chapman Valley consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the Shire of Chapman Valley.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long term planning directions for the Local Government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies which set out the general policies of the Local Government on matters within the Scheme.

The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

## PLANNING AND DEVELOPMENT ACT 2005

## SHIRE OF CHAPMAN VALLEY

**LOCAL PLANNING SCHEME No. 2  
DISTRICT ZONING SCHEME**

The Shire of Chapman Valley under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

**Description of Contents**

- Part 1 **Preliminary**—sets out the Scheme title, responsible authority for implementing the Scheme, definitions used in the Scheme, Scheme area, contents, purpose, aims and relationship to other Schemes and laws.
- Part 2 **Local Planning Policy Framework**—sets out the relationship between the Scheme and Local Planning Strategies and the procedures for preparing and adopting Local Planning Policies.
- Part 3 **Reserves**—sets out the reserves which apply in the Scheme area and related provisions.
- Part 4 **Zones and the Use of Land**—sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited.
- Part 5 **General Development Requirements**—sets out the planning requirements which may apply to a particular use or development in a zone.
- Part 6 **Special Control Areas**—sets out particular provisions which may apply in addition to the zone requirements and generally concerns landscape, environmental, built form, and land and site management issues.
- Part 7 **Heritage Protection**—sets out special provisions which apply to heritage places and areas.
- Part 8 **Development of land**—sets out the circumstances under which approval is required for the development of land as distinct from the use of land.
- Part 9 **Applications for Planning Approval**—sets out the procedures for applying for planning approval including both the use and development of land.
- Part 10 **Procedure for Dealing with Applications**—sets out the procedure for dealing with applications for planning approval and the matters to be taken into account.
- Part 11 **Enforcement and Administration**—sets out the general provisions for the administration and enforcement of the Scheme.

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**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF CHAPMAN VALLEY

**LOCAL PLANNING SCHEME No. 2****PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The Shire of Chapman Valley Scheme No. 2 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

Name: Shire of Chapman Valley Town Planning Scheme No. 1.

Gazettal date: 20 August 1982.

**1.2 Responsible Authority**

The Shire of Chapman Valley is the responsible authority for implementing the Scheme.

**1.3 Scheme Area**

The Scheme applies to the Scheme area which covers all of the Local Government district of the Shire as shown on the Scheme Map.

**1.4 Contents of Scheme**

The Scheme comprises—

- (a) the Scheme Text;
- (b) the Scheme Map (sheets 1—14).

The Scheme is to read in conjunction with the Local Planning Strategy.

**1.5 Purposes of Scheme**

The purposes of the Scheme are to—

- (a) set out the Local Government’s planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) set out procedures for the assessment and determination of planning applications;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in the *Planning and Development Act 2005*.

**1.6 The Aims of the Scheme**

The aims of the Scheme are to—

- (a) Provide for a variety of lifestyle opportunities;
- (b) Provide for appropriate diversification of agricultural and other economic activities;
- (c) Preserve agriculturally productive land and protect such land from ad hoc fragmentation or incompatible development;
- (d) Protect, preserve and enhance the environment, natural and cultural heritage, and landscape and streetscape values;
- (e) Provide for the consolidation and/or expansion of the existing settlements of Nabawa, Yuna, Nanson and Howatharra;
- (f) Protect the landscape and environmental values of the Moresby Ranges and associated valleys;
- (g) Protect, and provide for the appropriate development of, coastal and riverine areas, and water supplies;
- (h) Provide for the orderly and proper development of the Development Zone;

- (i) Provide for the orderly and proper development of the Oakajee Industrial Estate, including the establishment of supporting infrastructure such as port facilities, roads and railways, and electricity, gas and water supplies, and the protection of the Buffer from incompatible development; and
- (j) Assist in the implementation of the State Planning Strategy, including relevant State and Regional policies.

### **1.7 Definitions**

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meaning as they have—

- (a) in the *Planning and Development Act 2005*; or
- (b) if they are not defined in that Act—
  - (i) in the Dictionary of defined words and expressions in Schedule 1; or
  - (ii) in the Residential Design Codes of Western Australia.

1.7.2 If there is a conflict between the meaning of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the Residential Design Codes—

- (a) in the case of a residential development, the definition in the Residential Design Codes prevails; and
- (b) in any other case the definition in the Dictionary prevails.

1.7.3 Notes, and instructions printed in italics, are not part of the Scheme.

### **1.8 Relationship with Local Laws**

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

### **1.9 Relationship with other Schemes**

There are no other Schemes of the Shire of Chapman Valley which apply to the Scheme area.

## **PART 2—LOCAL PLANNING POLICY FRAMEWORK**

### **2.1 Scheme Determinations to Conform with Local Planning Strategy**

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the Local Government under the Scheme are to be consistent with the Local Planning Strategy.

### **2.2 Local Planning Policies**

The Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area,

and may amend or add to or rescind the Policy.

### **2.3 Relationship of Local Planning Policies to Scheme**

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

*Note:* *Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies as required under clause 10.2.*

### **2.4 Procedure for Making or Amending a Local Planning Policy**

2.4.1 If a Local Government resolves to prepare a Local Planning Policy, the Local Government—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
  - (i) where the draft Policy may be inspected;
  - (ii) the subject and nature of the draft Policy; and
  - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the Local Government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the Local Government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the Local Government resolves to adopt the Policy, the Local Government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the Local Government, the Policy affects the interests of the Western Australian Planning Commission, forward a copy of the Policy to the Western Australian Planning Commission.

2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

### **2.5 Revocation of Local Planning Policy**

A Local Planning Policy may be revoked by—

- (a) the adoption by a Local Government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the Local Government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

### **2.6 Local Planning Policies Made Under Previous Scheme**

Where pursuant to the requirements of the former Shire of Chapman Valley Town Planning Scheme No. 1, a Local Planning Policy had been adopted and was operative at the date of the gazettal of this Scheme, the Local Planning Policy shall continue to have effect and may be amended or revoked as if it were a Local Planning Policy under this Scheme.

## **PART 3—RESERVES**

### **3.1 Reserves**

Certain lands within the Scheme area are classified as Local Reserves.

### **3.2 Regional Reserves**

There are no Regional Reserves in the Scheme Area.

### **3.3 Local Reserves**

“Local Reserves” are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

### **3.4 Use and Development of Local Reserves**

3.4.1 A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve,

without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the Local Government is to have due regard to—

- (a) the matters set out in clause 10.2; and
- (b) the ultimate purpose intended for the Reserve.

3.4.3 In the case of land reserved for the purposes of a public authority, the Local Government is to consult with that authority before determining an application for planning approval.

## **PART 4—ZONES AND THE USE OF LAND**

### **4.1 Zones**

4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

4.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

### **4.2 Objectives of the Zones**

The objectives of the zones are as outlined below.

#### **4.2.1 Residential Zone**

The objectives of the Residential Zone are to—

- (a) Provide for residential development to meet the needs of a range of household types; and
- (b) Provide for other land-uses compatible with a high level of residential amenity.

#### **4.2.2 Townsite Zone**

The objectives of the Townsite Zone are to—

- (a) Provide for residential development to meet the needs of a range of household types;

- (b) Provide for commercial and industrial land-uses compatible with each other and with residential use of the land;
- (c) Prevent the establishment of land-uses more appropriately undertaken in more specialized commercial and/or industrial areas; and
- (d) Provide a reasonable level of residential amenity.

#### 4.2.3 Development Zone

The objectives of the Development Zone are to—

- (a) Provide for the coordinated planning and development for urban, primarily residential, purposes of areas identified at the regional level as being required to meet future requirements for land for such purposes;
- (b) Prevent the ad-hoc fragmentation of land or the development of land-uses that would be incompatible with the development of the land for urban purposes;
- (c) Provide for appropriate transitional land-uses, or the development of land-uses that may be compatible with the future development of the land for urban purposes; and
- (d) Provide appropriate protection from incompatible development for existing land-uses;
- (e) Protect the environmental and landscape values of the land, especially in the period prior to the coordinated development of the land for urban purposes.
- (f) The Buller Development zone is subject to the conditions as outlined in Schedule 10—Environmental Conditions.

#### 4.2.4 Rural Residential Zone

The objectives of the Rural Residential Zone are to—

- (a) Provide for residential development within a low-density environment;
- (b) Provide for other land-uses compatible with a high level of residential amenity;
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and
- (d) Protect the environmental and landscape values of the land.

#### 4.2.5 Rural Smallholding Zone

The objectives of the Rural Smallholding Zone are to—

- (a) Provide for residential development within a low density environment and integrated with a variety of agricultural/rural activities, including agricultural/rural activities undertaken on a commercial basis;
- (b) Provide for other land-uses compatible with the predominant use of the land;
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and
- (d) Protect the environmental and landscape values of the land.

#### 4.2.6 Rural Zone

The objectives of the Rural Zone are to—

- (a) Provide for a variety of agricultural/rural activities;
- (b) Provide for other land-uses compatible with the predominant use of the land;
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas;
- (d) Provide appropriate protection from incompatible development for existing land-uses; and
- (e) Protect the environmental and landscape values of the land.

#### 4.2.7 Local Centre Zone

The objectives of the Local Centre Zone are to—

- (a) Provide for retailing, office, government, health, entertainment and community facilities which serve the local community;
- (b) Provide for other land-uses compatible with the predominant use of the land; and
- (c) Prevent the establishment of land-uses more appropriately undertaken in other areas.

#### 4.2.8 Light and Services Industry Zone

The objectives of the Light and Services Industry Zone are to—

- (a) Provide for light and service industries and associated uses which are acceptable in close proximity to residential uses; and
- (b) Prevent the establishment of land-uses more appropriately undertaken in other areas.

#### 4.2.9 General Industry Zone

The objectives of the General Industry Zone are to—

- (a) Provide for industries and associated uses (such as manufacturing, fabrication and processing industries), which will not affect the locality through the emission of noise, odours, smoke and other wastes above prescribed environmental standards.
- (b) Provide for other land-uses compatible with the predominant use of the land; and
- (c) Prevent the establishment of land-uses more appropriately undertaken in other areas.

#### 4.2.10 Oakajee Industrial Zone Area A (General Industry)

The objectives of Area A are to—

- (a) Provide for ancillary industries to Area C (such as manufacturing, fabrication and processing industries), which will not affect the locality through the emission of noise, odours, smoke and other wastes above prescribed environmental standards.
- (b) Provide for industries required to service large-scale, generally capital intensive industries located nearby or elsewhere in the Region;
- (c) Provide for other land-uses compatible with the predominant use of the land; and
- (d) Prevent the establishment of land-uses more appropriately undertaken in other areas.

#### 4.2.11 Oakajee Industrial Zone Area B (Coastal)

The objectives of Area B are to—

- (a) Provide for the coordinated development of infrastructure, including port facilities, required to service large-scale, generally capital intensive industries that are of strategic importance to the economic development of the State and Region;
- (b) Provide for the development of such infrastructure as outlined in objective (a) in accordance with environmental best practice;
- (c) Prevent the establishment of land-uses more appropriately undertaken in other areas;
- (d) Accommodate the requirements of potential industries within the adjacent strategic industrial core (Area C) integrated with the protection of areas of landscape, heritage and recreation significance;
- (e) Provide for other land-uses compatible with the predominant uses of the land.

#### 4.2.12 Oakajee Industrial Zone Area C (Strategic Industry)

The objectives of the Area C are to—

- (a) Provide for the coordinated development of large-scale, generally capital intensive industries that are of strategic importance to the economic development of the State and Region and which, by their nature, should be isolated from residential areas;
- (b) Ensure that should development of a strategic industry proceed, it is contained within a strategic industrial core with appropriate surrounding buffers, and that development adheres to strict environmental standards and operational criteria approved by the Environmental Protection Authority and the Local Government.;
- (c) Prevent the establishment of land-uses more appropriately undertaken in other commercial and/or industrial areas;
- (d) Provide for other land-uses compatible with the predominant use of the land; and
- (e) Prevent the establishment of land-uses more appropriately undertaken in other areas.

#### 4.2.13 Composite Industry Zone

The objective of the Composite Industry Zone is to—

- (a) Provide for the establishment of minor industrial pursuits and single residential development on the same lot.

### 4.3 Zoning Table

4.3.1 The Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross reference between the list of use classes on the left hand side of the Zoning table and the list of zones at the top of the Zoning Table (Table 1).

4.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings—

- “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- “D” means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval;
- “A” means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- “X” means a use that is not permitted by the Scheme.

4.3.3 A change in the use of land from one use to another is permitted if—

- (a) the Local Government has exercised its discretion by granting planning approval;
- (b) the change is to a use which is designated with the symbol “P” in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

Note—

1. *The planning approval of the Local Government is required for the development of land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the use and development of land.*

2. *The Local Government will not refuse a "P" use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*
3. *In considering a "D" or "A" use, the Local Government will have regard to the matters set out in clause 10.2.*
4. *The Local Government must refuse to approve "X" use of land. Approval to an "X" use of land may only proceed by way of an amendment to the Scheme.*

#### **4.4 Interpretation of the Zoning Table**

4.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Local Government may—

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

#### **4.5 Additional Uses**

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 2 with respect to that land.

*Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.*

#### **4.6 Restricted Uses**

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

*Note: A restricted use is the only use or uses that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.*

#### **4.7 Special Use Zones**

*There are no Special Use zones which apply to the Scheme.*

#### **4.8 Development Zones**

4.8.1 Purpose—

- (a) To identify areas requiring comprehensive planning prior to subdivision and development.
- (b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

4.8.2 Planning requirements—

- (a) The Local Government requires a Structure Plan for a Development Zone, or for any particular part or parts of a Development Zone, before recommending subdivision or approving development of land within the Development Zone. The Structure Plan is to be in accordance with the requirements of clause 5.22 Structure Plan areas.
- (b) Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions.
- (c) The Local Government or the Western Australian Planning Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the Local Government or the Western Australian Planning Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.

#### **4.9 Non-Conforming Uses**

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current;
- (c) subject to clause 11.2.1, the continued display of advertisements which were lawfully erected, placed or displayed prior to the Gazettal date.

*Note: "Land" has the same meaning as in the Planning and Development Act 2005 and includes houses, buildings and other works and structures.*

#### **4.10 Extensions and Changes to a Non-Conforming Use**

4.10.1 A person must not—

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use to another non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use;

without first having applied for and obtained planning approval under the Scheme.

4.10.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.10.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Local Government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the Local Government, closer to the intended purpose of the zone.

#### **4.11 Discontinuance of Non-Conforming Use**

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

#### **4.12 Termination of a Non-Conforming Use**

The Local Government may effect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or occupier or to both the owner and occupier of that land, and may enter into an agreement with the owner for that purpose.

*Note: Part 11 of the Planning and Development Act 2005 enables the Local Government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a Local Planning Scheme, subject to Part 9 of the Land Administration Act 1997, that section and the Scheme.*

#### **4.13 Destruction of Non-Conforming Use Buildings**

If a building used for a non-conforming use is destroyed to 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Local Government.

USE	ZONES												
	Residential	Townsite	Development	Rural Residential	Rural Smallholding	Rural	Local Centre	Light and Services Industry	General Industry	Oakajee Industrial Area A (General Industry)	Oakajee Industrial Area B (Coastal)	Oakajee Industrial Area C (Strategic Industry)	Composite Industry
Abattoir	X	X	X	X	X	A	X	X	X	X	X	X	X
Aged or dependent person's dwelling	P	P	P	P	D	D	D	X	X	X	X	X	X
Aged Persons Village	A	A	A	X	X	X	X	X	X	X	X	X	X
Agriculture—extensive	X	X	X	P	P	P	X	D	D	P	P	P	X
Agriculture—intensive	X	X	X	X	D	D	X	D	X	X	X	X	X
Agroforestry	X	X	X	X	A	D	X	D	D	D	X	X	X
Amusement parlour	X	X	A	X	X	X	A	X	X	X	X	X	X
Ancillary accommodation	D	D	D	D	D	D	D	X	X	X	X	X	X
Animal establishment	X	X	X	X	A	A	X	A	X	X	X	X	X
Animal husbandry—intensive	X	X	X	X	A	A	X	X	X	X	X	X	X
Bed and breakfast	A	A	A	A	D	D	D	X	X	X	X	X	X
Betting agency	X	X	A	X	X	X	A	X	X	X	X	X	X
Camping ground	X	A	D	X	A	D	D	X	X	X	X	X	X
Caravan park	X	A	D	X	A	A	D	X	X	X	X	X	X
Caretaker's dwelling	X	X	A	X	X	X	D	D	D	X	X	X	X
Carpark	X	D	D	X	X	X	D	D	D	D	D	D	X
Child care premises	A	A	A	X	X	X	A	X	X	X	X	X	X
Cinema/theatre	X	X	A	X	A	A	A	X	X	X	X	X	X
Civic use	A	A	A	A	D	D	D	D	D	D	D	D	X
Club premises	X	A	A	X	X	X	A	X	X	X	X	X	X
Community purpose	X	A	A	X	X	X	D	D	X	X	X	X	X
Consulting rooms	A	A	A	X	X	X	D	X	X	X	X	X	X
Convenience store	X	A	A	X	X	X	P	D	D	D	D	X	A

Table 1—Zoning Table

USE	ZONES												
	Residential	Townsite	Development	Rural Residential	Rural Smallholding	Rural	Local Centre	Light and Services Industry	General Industry	Oakajee Industrial Area A (General Industry)	Oakajee Industrial Area B (Coastal)	Oakajee Industrial Area C (Strategic Industry)	Composite Industry
Corrective institution	X	X	X	X	X	X	X	X	X	X	X	X	X
Educational establishment	X	A	A	X	A	A	A	X	X	X	X	X	X
Exhibition centre	X	A	A	X	A	A	D	X	X	X	X	X	A
Experiential use	X	X	X	X	A	A	D	D	X	X	X	X	X
Family day care	A	A	A	A	A	A	A	X	X	X	X	X	X
Fast food outlet	X	X	A	X	X	X	D	X	X	X	X	X	X
Fuel depot	X	X	X	X	X	X	X	D	D	D	D	D	X
Funeral parlour	X	X	X	X	X	X	D	D	X	X	X	X	X
Grouped dwelling	P	D	D	X	X	D	D	X	X	X	X	X	X
Harbour installation	X	X	X	X	X	X	X	X	X	D	P	D	X
Home business	A	D	A	A	D	D	D	X	X	X	X	X	D
Home office	P	P	P	P	P	P	P	X	X	X	X	X	D
Home business hire	A	A	A	A	A	D	A	X	X	X	X	X	D
Home occupation	D	D	D	D	D	D	D	X	X	X	X	X	D
Hospital	X	X	A	X	X	X	A	X	X	X	X	X	X
Hotel	X	X	A	X	X	X	A	X	X	X	X	X	X
Industry—cottage	X	D	A	A	A	D	D	X	X	X	X	X	D
Industry—extractive	X	X	X	X	A	A	X	A	A	D	D	D	X
Industry—general	X	X	X	X	X	X	X	A	P	P	A	A	X
Industry—hazardous	X	X	X	X	X	X	X	X	A	A	D	D	X
Industry—light	X	X	X	X	X	X	X	P	A	P	A	A	D
Industry—mining *	X	X	X	X	X	A	X	X	X	D	D	D	X
Industry—noxious	X	X	X	X	X	X	X	X	A	D	X	D	X

Table 1—Zoning Table

USE	ZONES												
	Residential	Townsite	Development	Rural Residential	Rural Smallholding	Rural	Local Centre	Light and Services Industry	General Industry	Oakajee Industrial Area A (General Industry)	Oakajee Industrial Area B (Coastal)	Oakajee Industrial Area C (Strategic Industry)	Composite Industry
Industry—resource processing	X	X	X	X	X	X	X	X	X	X	D	D	X
Industry—rural	X	X	X	X	A	D	X	D	D	D	X	X	X
Industry—service	X	X	X	X	X	X	D	P	D	D	X	X	D
Liquor store	X	X	A	X	X	X	D	X	X	X	X	X	X
Lodging house/guest house	X	A	A	A	A	A	D	X	X	X	X	X	X
Lunch bar	X	X	A	X	X	X	P	D	D	D	X	X	X
Marina	X	X	X	X	X	X	X	X	X	X	D	X	X
Marine collector's yard	X	X	X	X	X	X	X	D	X	D	P	D	X
Marine filling station	X	X	X	X	X	X	X	X	X	X	A	X	X
Market	X	X	X	X	A	A	A	A	D	X	X	X	X
Medical centre	X	X	A	X	X	X	D	D	D	D	X	X	X
Motel	X	X	A	X	X	X	A	X	X	X	X	X	X
Motor vehicle, boat or caravan sales or hire	X	X	X	X	X	X	D	P	D	X	X	X	A
Motor vehicle repair	X	X	X	X	X	X	D	P	P	D	D	D	A
Motor vehicle wash	X	X	X	X	X	X	D	P	P	D	D	D	A
Multiple dwelling	D	D	D	X	X	X	D	X	X	X	X	X	X
Museum	X	X	A	X	X	A	D	X	X	X	X	X	X
Night club	X	X	X	X	X	X	A	X	X	X	X	X	X
Nursing home	A	A	A	X	X	X	X	X	X	X	X	X	X
Office	X	X	A	X	X	X	P	D	D	D	D	D	D
Park home park	X	X	D	X	X	A	D	X	X	X	X	X	X
Place of worship	X	X	A	X	X	X	A	X	X	X	X	X	X
Plantation	X	X	X	X	A	A	X	D	D	X	X	X	X

Table 1—Zoning Table

USE	ZONES												
	Residential	Townsite	Development	Rural Residential	Rural Smallholding	Rural	Local Centre	Light and Services Industry	General Industry	Oakajee Industrial Area A (General Industry)	Oakajee Industrial Area B (Coastal)	Oakajee Industrial Area C (Strategic Industry)	Composite Industry
Power generation	X	X	X	X	X	A	X	X	A	A	A	A	X
Produce store	X	A	X	X	X	X	D	D	X	X	X	X	A
Public utility	D	D	D	D	P	P	D	P	P	P	D	D	P
Radio & TV installation	X	X	A	A	D	D	A	P	P	P	D	D	D
Railways	X	X	A	X	X	D	X	A	D	D	P	P	X
Reception centre	X	X	A	X	A	A	D	X	X	X	X	X	X
Recreation—private	X	X	A	X	A	D	D	D	X	X	X	X	X
Recreation—public	D	D	D	D	D	D	D	X	A	A	A	X	X
Restaurant	X	A	A	X	A	A	D	X	X	X	X	X	X
Restricted premises	X	X	A	X	X	X	A	X	X	X	X	X	X
Rural pursuit	X	X	X	X	D	P	D	D	D	X	X	X	X
Salvage yard	X	X	X	X	X	X	X	P	P	D	X	X	A
Service station	X	A	A	X	X	X	D	D	D	D	X	X	X
Shop	X	A	A	X	X	X	P	D	D	D	X	X	A
Short Stay accommodation	X	A	A	X	A	A	D	X	X	X	X	X	X
Showroom	X	X	X	X	X	X	P	P	D	X	X	X	A
Single house	P	P	P	P	P	P	D	X	X	X	X	X	D
Stockpiling	X	X	X	X	X	A	X	X	A	D	P	P	X
Storage	X	X	X	X	X	A	X	D	D	D	D	D	A
Tavern	X	X	A	X	X	X	A	X	X	X	X	X	X
Telecommunications infrastructure	X	A	A	A	D	D	A	P	P	D	D	D	D
Temporary workforce accommodation	X	X	A	X	X	A	X	X	X	X	X	X	X
Trade display	X	X	X	X	X	X	D	P	P	P	X	X	A

Table 1—Zoning Table

USE	ZONES												
	Residential	Townsite	Development	Rural Residential	Rural Smallholding	Rural	Local Centre	Light and Services Industry	General Industry	Oakajee Industrial Area A (General Industry)	Oakajee Industrial Area B (Coastal)	Oakajee Industrial Area C (Strategic Industry)	Composite Industry
Transport depot	X	X	X	X	X	X	X	P	P	P	D	D	A
Veterinary centre	X	X	X	X	X	A	D	D	X	X	X	X	A
Warehouse	X	X	X	X	X	X	D	P	P	D	D	D	A
Way-side store	X	A	X	X	A	D	X	X	X	X	X	X	A
Wind, Solar or Tidal Energy facility	X	X	X	X	X	A	X	A	A	A	A	A	X
Winery	X	X	X	X	D	D	P	D	X	X	X	X	X

\* “Mining” covered by the *Mining Act 1978* is exempt from the requirement for planning approval and will be determined in accordance with the *Mining Act 1978*.

**PART 5—GENERAL DEVELOPMENT REQUIREMENTS****5.1 Compliance with Development Standards and Requirements**

Any development of land is to comply with the provisions of the Scheme.

<b>DEVELOPMENT STANDARDS</b>									
Zone	Minimum lot area (m <sup>2</sup> )	Minimum effective frontage (m)	Maximum site coverage (%)	Maximum plot ratio	Minimum boundary setbacks (m)			Minimum carparking spaces	Minimum landscaping (% of site area)
					Front	Rear	Side		
<b>Residential</b>	*	*	*	*	*	*	*	*	*
<b>Townsite</b>	*	*	*	*	*	*	*	*	*
<b>Development</b>	As outlined in approved subdivision guide or structure plan	*	*	*	*	*	*	*	*
<b>Rural-Residential</b>	As outlined in approved subdivision guide or structure plan	As outlined in approved subdivision guide or structure plan	**	**	15	5	5	**	**
<b>Rural Smallholding</b>	As outlined in approved subdivision guide or structure plan	As outlined in approved subdivision guide or structure plan	**	**	15	10	5	**	**
<b>Rural</b>	***	200	**	**	15	15	5	**	**
<b>Local Centre</b>	**	20	50	1.5	4	7.5	Nil	1 per 100m <sup>2</sup> gfa	10
<b>Composite Industry</b>	4,000	*	*	*	*	*	*	*	20
<b>Light and Services Industry</b>	1,000	20	50	0.8	9	5	5	1 per 100m <sup>2</sup> gfa	10
<b>General Industry</b>	2,000	25	50	0.8	20	5	5	1 per 100m <sup>2</sup> gfa	10
<b>Oakajee Industrial Area A (General Industry)</b>	2,000	25	50	0.8	20	5	5	1 per 100m <sup>2</sup> gfa	10
<b>Oakajee Industrial Area B (Coastal)</b>	4,000	40	70	0.8	20	5	7.5	1 per 100m <sup>2</sup> gfa	5
<b>Oakajee Industrial Area C (Strategic Industry)</b>	50,000	80	50	0.8	20	10	30	1 per 100m <sup>2</sup> gfa	10
<b>Public Purposes</b>	**	**	**	**	**	**	**	**	**

\* As per the Residential Design Codes except for non-residential development in which case the standards shall be as determined by the Local Government in each particular case.

\*\* As determined by the Local Government in each particular case.

\*\*\* As determined by the Local Government consistent with the Local Planning Strategy

<b>Table 3—Use Development Table</b>				
<b>DEVELOPMENT STANDARDS</b>				
<b>Use</b>	<b>Minimum lot area (m<sup>2</sup>)</b>	<b>Minimum carparking spaces</b>	<b>Minimum landscaping (% of site area)</b>	<b>Other requirements</b>
<b>Aged or dependent person's dwelling</b>	As per Residential Design Codes	As per Residential Design Codes	As per Residential Design Codes	
<b>Aged Persons Village</b>	As per Residential Design Codes	As per Residential Design Codes	As per Residential Design Codes	
<b>Agriculture-intensive</b>				As per Local Planning Policy
<b>Amusement parlour</b>		1 per 20m <sup>2</sup> nla		
<b>Ancillary accommodation</b>		As per Residential Design Codes	As per Residential Design Codes	As per Local Planning Policy
<b>Animal establishment</b>				As per Local Planning Policy and Local Laws
<b>Animal husbandry-intensive</b>				As per Local Planning Policy and Local Laws
<b>Bed and breakfast</b>	800 on Residential or Townsite Zoned land	1 per bedroom		As per Local Planning Policy
<b>Betting agency</b>		1 per 20m <sup>2</sup> nla		
<b>Camping ground</b>	100,000 on Rural Smallholdings or Rural Zoned land			As per Local Planning Policy
<b>Caravan park</b>	100,000 on Rural Smallholdings or Rural Zoned land	1 per site plus 1 visitor bay per 5 sites		As per Local Planning Policy
<b>Cinema/theatre</b>		1 per 4 seats		
<b>Consulting rooms</b>		4 per consultant		
<b>Convenience store</b>		1 per 20m <sup>2</sup> nla		
<b>Exhibition centre</b>	100,000 on Rural Smallholdings or Rural Zoned land	1 per 40m <sup>2</sup> nla		As per Local Planning Policy
<b>Experiential use</b>	100,000 on Rural Smallholdings or Rural Zoned land			As per Local Planning Policy
<b>Family day care</b>		1		
<b>Fast food outlet</b>	2,000	1 per 10m <sup>2</sup> nla		

<b>Table 3—Use Development Table</b>				
<b>DEVELOPMENT STANDARDS</b>				
<b>Use</b>	<b>Minimum lot area (m<sup>2</sup>)</b>	<b>Minimum carparking spaces</b>	<b>Minimum landscaping (% of site area)</b>	<b>Other requirements</b>
<b>Grouped dwelling</b>		As per Residential Design Codes on Residential zoned land	As per Residential Design Codes on Residential zoned land	As per Clause 5.20 for Rural zone As per Local Planning Policy for all other zones
<b>Holiday accommodation</b>	100,000 on Rural Smallholdings or Rural Zoned land	1 per unit		As per Local Planning Policy on Rural Smallholdings or Rural Zoned land
<b>Home business</b>		2, plus 1 for each staff member not normally resident on site		As per Local Planning Policy
<b>Home occupation</b>		Nil		As per Local Planning Policy
<b>Hotel</b>		1 per 5m <sup>2</sup> bar and lounge area		
<b>Industry—cottage</b>		2, plus 1 for each staff member not normally resident on site		As per Local Planning Policy
<b>Industry—extractive</b>				As per Local Planning Policy
<b>Industry—general</b>	2,000	1 per 100m <sup>2</sup> gfa	10	As per Local Planning Policy
<b>Industry—hazardous</b>				As per Local Planning Policy
<b>Industry—light</b>	1,000	1 per 100m <sup>2</sup> gfa	10	As per Local Planning Policy
<b>Industry—mining</b>				As per Local Planning Policy
<b>Industry—noxious</b>				As per Local Planning Policy
<b>Industry—resource processing</b>				As per Local Planning Policy
<b>Industry—rural</b>				As per Local Planning Policy
<b>Industry—service</b>		1 per 40m <sup>2</sup> for retail area, 1 per 100m <sup>2</sup> for remainder of nla		As per Local Planning Policy
<b>Liquor store</b>		1 per 20m <sup>2</sup> nla		

<b>Table 3—Use Development Table</b>				
<b>DEVELOPMENT STANDARDS</b>				
<b>Use</b>	<b>Minimum lot area (m<sup>2</sup>)</b>	<b>Minimum carparking spaces</b>	<b>Minimum landscaping (% of site area)</b>	<b>Other requirements</b>
<b>Lodging house/guest house</b>	100,000 on Rural Smallholdings or Rural Zoned land	1 per bedroom		As per Local Planning Policy
<b>Lunch bar</b>		1 per 40m <sup>2</sup> nla		
<b>Motel</b>		1 per room, plus 1 staff/visitor bay per 5 rooms		As per Local Planning Policy
<b>Motor vehicle boat or caravan sales or hire</b>		1 per 100m <sup>2</sup> retail space		
<b>Multiple dwelling</b>		As per Residential Design Codes	As per Residential Design Codes	
<b>Museum</b>		1 per 40m <sup>2</sup> nla		
<b>Night club</b>		1 per 5m <sup>2</sup> bar and lounge area		
<b>Office</b>		1 per 40m <sup>2</sup> nla		
<b>Park home park</b>	100,000 on Rural Smallholdings or Rural Zoned land	1 per site plus 1 visitor bay per 5 sites		As per Local Planning Policy
<b>Produce store</b>		1 per 40m <sup>2</sup> nla		
<b>Public Utility</b>				The development of small sewer pumping stations and the like serving residential subdivision will not normally require specific zoning
<b>Reception centre</b>	100,000 on Rural Smallholdings or Rural Zoned land	1 per 4 people the centre will accommodate		As per Local Planning Policy
<b>Restaurant</b>	100,000 on Rural Smallholdings or Rural Zoned land	1 per 4 seats		As per Local Planning Policy
<b>Restricted premises</b>		1 per 20m <sup>2</sup> nla		
<b>Salvage yard</b>	2,000			
<b>Service station</b>	1,500			
<b>Shop</b>		1 per 20m <sup>2</sup> nla		

<b>Table 3—Use Development Table</b>				
<b>DEVELOPMENT STANDARDS</b>				
<b>Use</b>	<b>Minimum lot area (m<sup>2</sup>)</b>	<b>Minimum carparking spaces</b>	<b>Minimum landscaping (% of site area)</b>	<b>Other requirements</b>
<b>Showroom</b>		1 per 40m <sup>2</sup> nla		
<b>Single house</b>		As per Residential Design Codes Design Codes on Residential zoned land	As per Residential Design Codes Design Codes on Residential zoned land	
<b>Tavern</b>		1 per 5m <sup>2</sup> bar and lounge area		
<b>Veterinary centre</b>		4 per consultant		
<b>Warehouse</b>		1 per 200m <sup>2</sup> GLA		
<b>Way-side store</b>		1 per 20m <sup>2</sup> retail space		
<b>Winery</b>		1 per 30m <sup>2</sup> retail space		

## 5.2 Residential Design Codes

5.2.1 A copy of the Residential Design Codes is to be kept and made available for public inspection at the offices of the Local Government.

5.2.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.

5.2.3 The Residential Design Codes density applicable to land within the Scheme area is to be determined by reference to the Residential Design Codes density number superimposed on the particular areas contained within the borders shown on the Scheme Map or where such an area abuts another area having a Residential Design Code density, as being contained within the area defined by the centre-line of those borders.

## 5.3 Special Application of Residential Design Code

*There are no exclusions or variations to the Residential Planning Codes which apply to the Scheme.*

## 5.4 Restrictive Covenants

5.4.1 Subject to clause 5.4.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

5.4.2 Where clause 5.4.1 operates to extinguish or vary a restrictive covenant the Local Government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.4.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

## 5.5 Variations to Site and Development Standards and Requirements

5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Local Government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.

5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owners occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to—

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

## 5.6 Environmental Conditions

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme Maps by the symbol EC to indicate that environmental conditions apply to the land.

5.6.3 The Local Government is to;

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the EP Act; and
- (b) make the statements available for public inspection at the offices of the Local Government.

*Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986.*

## 5.7 Zone and Use Development Tables

5.7.1 The Zone Development Table (Table 2) indicates, subject to the provisions of the Scheme, standards applicable to development in each of the zones outlined in Part 4 of the Scheme.

5.7.2 The Use Development Table (Table 3) indicates, subject to the provisions of the Scheme, standards specifically applicable to development of a range of uses outlined in Table 1 of the Scheme.

5.7.3 The development standards outlined in the Zone and Use Development Tables apply in addition to all other standards outlined elsewhere in the Scheme.

5.7.4 Notwithstanding any other provision contained within this Part, in determining any application pursuant to clause 4.4.2 of the Scheme, the Local Government may apply development standards as it thinks fit.

5.7.5 In the event that there is any conflict between the standards outlined in the Zone Development Table and the standards outlined in the Use Development Table, the provisions of the Use Development Table shall prevail.

5.7.6 Where the Use Development Table is silent with respect to a particular use, or silent with respect to a particular standard applicable to a use, then the standards outlined in the Zone Development Table shall apply.

5.7.7 Where the Use and Zone Development Tables are both silent with respect to a particular standard applicable to a use and the zone in which it is proposed to be developed, the Local Government may apply development standards as it thinks fit.

### **5.8 Appearance of Land and Buildings**

5.8.1 Unless otherwise approved, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.

5.8.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the Local Government.

5.8.3 Where in the opinion of the Local Government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the Local Government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.

### **5.9 Building Height**

5.9.1 Unless otherwise approved, no building shall be constructed to exceed 9 metres in height above natural ground level, including masts or aerials and the like, whether free standing or otherwise.

5.9.2 For the purpose of this section the overall "height" shall be determined by the vertical measurement from natural ground level at the centre point of the smallest rectangle containing the whole of the proposed building or structure.

5.9.3 In considering an application to relax the requirements of Clause 5.9.1 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to—

- (a) The practical need for development to exceed 9 metres in height above natural ground level;
- (b) Whether the proposed development may have a detrimental effect on nearby/adjoining properties; and
- (c) The costs to the community of not approving the development.

### **5.10 Boundary Setbacks**

Except on land to which a Residential Density Coding applies on the Scheme Maps and where the provisions of the Residential Design Codes shall prevail, all corner lots, lots with more than one street frontage, or irregularly-shaped lots, the Local Government shall determine for the purposes of determining setback requirements which boundaries shall be considered front, side and rear boundaries.

### **5.11 Building Envelopes**

5.11.1 Where a building envelope is identified on a subdivision guide, structure or fire management plan, all development shall be contained within the designated envelope area.

5.11.2 No development of any structures shall occur within any area/s identified as "Development Exclusion Area", "Re-vegetation Area", "Remnant Vegetation" or similar on the subdivision guide, structure or fire management plan.

5.11.3 Notwithstanding the requirements of Clause 9.1 of the Scheme, where a building envelope exists on a particular lot an application for planning approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.

5.11.4 In considering an application to relax the requirements of Clause 5.11.2 and 5.11.3 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to—

- (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations;
- (b) unnecessary clearing of remnant native vegetation;
- (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;
- (d) suitability for landscape screening using effective screening vegetation; and
- (e) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Local Planning Policies.

### **5.12 Battle-Axe Lots**

Except on land to which a Residential Density Coding applies on the Scheme Maps and where the provisions of the Residential Design Codes shall prevail, for the purposes of determining compliance within minimum lot area, maximum site coverage and maximum plot ratio requirements outlined in the Scheme, the area of a battle-axe access leg, as determined by the Local Government, shall be excluded in determining the area of any battle-axe lot.

### 5.13 Access

5.13.1 Unless otherwise approved, no development shall occur on a lot without access to a suitably constructed road to the satisfaction of the Local Government.

5.13.2 Unless otherwise approved, no development shall occur on a lot without legal road frontage.

5.13.3 In considering an application to relax the requirements of Clauses 5.13.1 and/or 5.13.2 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to—

- (a) Any alternative legal means of access to the lot;
- (b) The quality of any un-constructed road access provided to the lot;
- (c) The costs and/or complexity involved in providing constructed road and/or legal road frontage; and
- (d) The type and quantity of traffic expected to be generated by the proposed development.

5.13.4 Vehicle access ways and circulation areas for all development, except single dwellings, ancillary accommodation and associated outbuildings, shall be designed so as to permit all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, to enter and leave the site in a forward gear.

### 5.14 Carparking and Loading Bays

5.14.1 Car parking requirements are set out in Tables 2 and 3 for the zone and land uses shown therein. In addition the following general provisions apply.

5.14.2 All carparking areas shall be designed and constructed in accordance with relevant Australian Standards or any other standard endorsed by the Local Government.

5.14.3 All carparking areas with 10 or more bays shall include landscaped areas equivalent to 10% of the area of the carparking bays within that carpark, and such landscaped areas shall be included in calculations for determining the landscaping provision and not carparking provision.

5.14.4 Where land is developed to accommodate a range of uses, the number of car parking spaces to be provided is to be calculated separately for each part of the land or building used for each use.

5.14.5 When considering an application for planning approval, the Local Government may impose conditions regarding the required number and/or method of provision of car parking spaces. In particular, the Local Government may impose conditions relating to—

- (a) the proportion of car parking spaces to be roofed or covered;
- (b) the means of access to each car parking space and the adequacy of any vehicular manoeuvring area;
- (c) the design and location of the car parking spaces on the site and their effect on the existing streetscape and the amenity of adjoining development and the locality generally, including the potential effect if those spaces should later be roofed or covered;
- (d) the extent to which car parking spaces are located within required building setback areas; and
- (e) the location of proposed public footpaths, vehicular crossings of private footpaths within the lot and the effect of both pedestrian and vehicular traffic movement and safety.

5.14.5 If the Local Government is satisfied that adequate car parking exists or is to be provided in close proximity to a proposed development, notwithstanding Table 3, it may accept a cash payment in lieu of the provision of car parking spaces subject to the following—

- (a) a cash-in-lieu payment shall not be less than the estimated cost to the owner of providing the car parking spaces otherwise required by the Scheme, plus the value as estimated by the Local Government of that area of land which would have been occupied by the car parking spaces;
- (b) the Local Government shall have already provided a public car park nearby or have firm proposals for providing a public car park area within the near future; and
- (c) payments under this clause shall be deposited into a special fund to be used exclusively to provide and/or maintain car parks in the near vicinity.

5.14.6 All development for commercial or industrial purposes shall be designed so as to provide for the loading and unloading of all vehicles, of a type that may reasonably be expected to visit the site on a regular basis, in a manner that does not in any way restrict the use of vehicle accessways, circulation areas or carparking areas.

5.14.7 Pursuant to clause 5.14.6 a loading bay shall comply with minimum dimensions of 3.5 metres width, 7 metres length and 3.5 metres height.

### 5.15 Parking of Large Vehicles

Unless otherwise approved, no boat, caravan or other vehicle exceeding 4 tonnes TARE weight shall be stored on any Residential or Townsite zoned land for more than 8 hours consecutively, unless it is a vehicle being used in connection with building or construction works on the site.

### 5.16 Landscaping

5.16.1 The landscaping requirement shown in the Zone and Use Development Tables or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use and at the discretion of the Local Government it may include natural bushland, swimming pools and areas under covered ways. Garbage collection and handling spaces, and other open storage areas shall not be included.

5.16.2 The Local Government may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof the planting of trees and shrubs of a nature that require little maintenance.

5.16.3 Where a proposed development utilises less than 50% of the allowable plot ratio, the Local Government may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs.

5.16.4 A requirement of the landscaping is that 1 tree capable of growing to a height of 3 metres or more shall be planted for every 10 square metres of landscape area but the Local Government may relax this requirement in the case of residential land use.

5.16.5 No person shall, unless the Local Government otherwise approves, occupy any buildings forming part of an approved development until the required landscaping has been constructed and planted.

#### **5.17 Domestic Water Supplies**

5.17.1 Where a reticulated water supply is not available a minimum 100,000 litre rainwater storage facility (or equivalent) shall be provided for any dwelling, with the necessary roof catchment capacity, or alternatively, evidence shall be provided to the satisfaction of the Local Government that an adequate on-site potable water source is present and will be coupled with a minimum water storage facility of 10,000 litres to serve the same purpose.

5.17.2 Where a minimum water storage facility is required pursuant to Clause 5.17.1 a 50-millimetre outlet with gate valve and male coupling, or an alternative to the satisfaction of the Local Government, shall be located at the base of the facility to be clearly marked "Fire Brigade Connection Point" for fire fighting use where the need arises to protect residential development on the same property.

#### **5.18 Waterways and Flooding**

5.18.1 Unless otherwise approved, no development shall occur within 100 metres of any natural waterway or within any area identified as potentially affected by a 1 in 100 year flood of the Chapman, East Chapman, Oakajee, Buller or Greenough Rivers, or the Durawah Gully.

5.18.2 In considering an application to relax the requirements of Clause 5.18.1 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to—

- (a) The advice of the Department of Water regarding 1 in 100 year flood levels;
- (b) The effect that the proposed development may have on the waterway, in terms of restricted flow, nutrient enrichment or any other matter considered relevant; and
- (c) The effect that the waterway may have on the proposed development.

#### **5.19 General Requirements Applicable to Rural Residential and Rural Smallholding Zones**

##### **5.19.1 Structure Plan—**

- (a) Subdivision, development and land use shall generally be in accordance with the structure plan as adopted by the Local Government and the Western Australian Planning Commission;
- (b) Subdivision, development and land-use shall generally be in accordance with any other matters outlined on the structure plan; and
- (c) In addition to such other provisions of the Scheme as may affect it, any land that is included in a Rural Residential Zone or Rural Smallholding Zone shall be subject to those provisions as may be specifically set out against it in Schedules 11 or 12.

##### **5.19.2 Dwellings**

Only one dwelling is permitted on any lot within the Rural Residential and Rural Smallholding zone, although the Local Government may, at its discretion, also approve one ancillary accommodation unit.

##### **5.19.3 Vegetation—**

- (a) No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for—
  - (i) Clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended), the Local Government's Bush Fire Notice and/or any fire management plan endorsed by the Local Government, and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;
  - (ii) Clearing for vehicular access or fire breaks specifically identified on the subdivision guide or structure plan;
  - (iii) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the Local Government; and/or
  - (iv) Trees that are diseased or dangerous; and
- (b) Re-vegetation of identified degraded areas may be required on consideration of subdivision or development application.

##### **5.19.4 Foreshores**

At time of subdivision, the Local Government may request that the Western Australian Planning Commission impose condition/s requiring suitable arrangements to be made for the ceding of foreshore reserves or management and/or rehabilitation of foreshores retained in private ownership.

**5.19.5 Fire Management—**

- (a) At time of subdivision, the Local Government may request that the Western Australian Planning Commission impose condition/s requiring the preparation of a fire management plan; and
- (b) At time of subdivision, the Local Government may request that the Western Australian Planning Commission impose condition/s requiring a contribution toward fire fighting facilities in the district.

**5.19.6 Vehicular Access—**

- (a) At time of subdivision, the Local Government may request that the Western Australian Planning Commission impose condition/s requiring the construction of any roads, battle-axe access legs, or shared access legs required to provide adequate vehicular access to the proposed lots; and
- (b) At time of subdivision, the Local Government may request that the Western Australian Planning Commission impose condition/s requiring a contribution to the upgrading of the local road system.
- (c) At time of development approval the Local Government may require a crossover to be constructed to the specifications of the Shire and/or Main Roads WA.

**5.19.7 Fencing—**

- (a) At time of subdivision, the Local Government may request that the Western Australian Planning Commission impose condition/s requiring the installation of fencing around areas of remnant vegetation and/or re-vegetation. All such fences are to be maintained in good condition thereafter to the satisfaction of the Local Government; and
- (b) Prior to the stocking of any particular lot, all areas of remnant vegetation within or adjoining the lot shall be protected by stock proof fencing to the specification and satisfaction of the Local Government. All such fences are to be maintained in good condition thereafter to the satisfaction of the Local Government.

**5.19.8 Advice to Prospective Purchasers**

At time of subdivision, the Local Government may request that the Western Australian Planning Commission impose condition/s requiring the subdivider to advise prospective purchasers of the special provisions contained herein and any other provisions of the Scheme considered relevant by the Local Government.

**5.20 General Requirements Applicable to the Rural Zone**

5.20.1 The erection of two or more single detached dwellings may be permitted within the Rural zone at the discretion of the Local Government where the land is managed for rural pursuits or agriculture-extensive and where the occupants are engaged in that predominant land use or activity.

5.20.2 The occurrence of development in accordance with Clause 5.20.1 will generally not be considered as grounds for subdivision. Subdivision of land within the Rural zone will generally not be supported unless it is zoned to facilitate subdivision as specifically provided for in the endorsed Local Planning Strategy; or is consistent with the criteria set out in the Western Australian Planning Commission's Development Control Policy 3.4 (Subdivision of Rural Land).

**5.21 General Requirements Applicable to the Composite Industry Zone**

5.21.1 Where the lot is situated within the Composite Industrial zone a person may only—

- (a) Develop or establish or allow to be developed or established a light or service industry where a residence is erected first and forms an integral part of the development.
- (b) Allow the residence to be occupied by the owner, manager or employee.
- (c) Allow only family or dependents to be employed in the industry.
- (d) Establish an industry that is of a nature, as determined by the Local Government, that can operate compatibly with residential living and minimal impact on the adjoining properties.
- (e) Establish an industry at the rear of the residential dwelling that is essentially a family operation and is not reliant on attracting passing trade.

5.21.2 The following development Standards for the Composite Industry zone take precedent over the standards prescribed for a specific classification in Table 3—Use Development Table—

- (a) The single residential development shall accord with the R2.5 density code and associated provisions and standards prescribed in the Residential Design Codes.
- (b) The maximum aggregate area for an outbuilding is 200 square metres with an overall height of no greater than 5 metres measured from natural ground level.
- (c) All machines used in conducting a business or industrial activity shall be dampened or muffled for noise and suppressed to eliminate electrical and television interference.
- (d) All business and industrial activities shall operate within reasonable hours as prescribed by the Local Government.

**5.22 Structure Planning Areas****5.22.1 Interpretation**

In this part, unless the context otherwise requires—

- (a) "Detailed Area Plan" means a plan prepared and adopted pursuant to clause 5.22.15 of this Part;

- (b) “owner” means an owner or owners of land in the Structure Planning Area;
- (c) “structure plan” means a structure plan that has come into effect in accordance with clause 5.22.10 and includes any Outline Development Plan or Subdivision Guide Plan prepared and approved under the previous local planning scheme of the local government, where applicable to a structure planning area;
- (d) “structure planning area” is an area that requires structure planning and may be required in any zone; and
- (e) Preparation of a structure plan pursuant to clause 5.22 is required for the land on the western and eastern side of Richards Road zoned ‘Residential R2.5’ and for all land zoned “Development”, “Rural Residential”, “Rural Smallholding” and all land included within “Special Control Area 1—Oakajee Industrial Zone and Buffer”.

#### 5.22.2 Purpose of Structure Planning Areas

##### 5.22.2.1 The purpose of Structure Planning Areas are to—

- (a) identify areas requiring comprehensive planning; and
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

#### 5.22.3 Subdivision and Development in Structure Planning Areas

The subdivision and development of land within a Structure Planning Area is generally to be in accordance with any structure plan that applies to that land.

#### 5.22.4 Structure Plan required

##### 5.22.4.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) approve development of land within a Structure Planning Area unless there is a structure plan for the area or for the relevant part of that area that adequately defines the comprehensive planning detail required to guide orderly subdivision and development for urban land use.

5.22.4.2 Notwithstanding clause 5.22.4.1 a local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area.

5.22.4.3 Where a proposed Structure Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and such Proposed Structure Plan requires the preparation of a Development Contribution Plan, the proposed Structure Plan may only be adopted if the subject area is listed in the Scheme as a Development Contribution Area.

5.22.4.4 Where building envelopes are depicted on a Structure Plan, all buildings and effluent disposal facilities shall be located within the building envelopes shown on those plans.

5.22.4.5 Notwithstanding the provisions of sub-clause 5.22.4.4, the local government may approve the construction of the following structures outside of the building envelopes—

- (a) water tanks,
- (b) windmills,
- (c) stock watering and feed troughs; and
- (d) roofed structure open on all sides for the purpose of providing shelter to animals.

#### 5.22.5 Preparation of proposed structure plans

A proposed structure plan may be required by the—

- (a) Local Government; or
- (b) Western Australian Planning Commission

A proposed structure plan may be required and prepared for all, or part of, any zone or development area.

#### 5.22.6 Details of proposed structure plan

5.22.6.1 A proposed structure plan should include the following details where deemed relevant—

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
  - (i) landform, topography and land capability;
  - (ii) conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
  - (iii) hydrogeological conditions, including approximate depth to water table;
  - (iv) sites and features of Aboriginal and European heritage value
- (c) a context analysis map of the immediate surrounds to the site including—
  - (i) the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;

- (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations;
- (iii) existing and future land use;
- (d) for district structure plans a map showing proposals for—
  - (i) the pattern of neighbourhoods around town and neighbourhood centres;
  - (ii) arterial routes and neighbourhood connector streets;
  - (iii) the protection of natural features such as water courses and vegetation;
  - (iv) major open spaces and parklands;
  - (v) major public transport routes and facilities;
  - (vi) the pattern and disposition of land uses; and
  - (vii) schools and community facilities;
- (e) for local structure plans a map showing proposals for—
  - (i) neighbourhoods around proposed neighbourhoods and town centres;
  - (ii) existing and proposed commercial centres;
  - (iii) natural features to be retained;
  - (iv) street block layouts;
  - (v) the street network including street types;
  - (vi) transportation corridors, public transport network, and cycle and pedestrian networks;
  - (vii) land uses including residential densities and estimates of population;
  - (viii) schools and community facilities;
  - (ix) public parklands; and
  - (x) urban water management areas;
- (f) a written report to explain the mapping and to address the following—
  - (i) the planning framework for the structure plan including any applicable regional or district structure plans, and any policies, strategies and scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
  - (ii) the site analysis including reference to the matters listed in clause 5.17.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
  - (iii) the context analysis including reference to the matters listed in clause 5.17.6.1 (c) above;
  - (iv) how planning for the structure plan area is to be integrated with the surrounding land;
  - (v) the design rationale for the proposed pattern of subdivision, land use and development;
  - (vi) traffic management and safety;
  - (vii) parkland provision and management;
  - (viii) urban water management;
  - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
  - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
- (g) any other matter that is required for orderly and proper planning.

5.22.6.2 The maps referred to in clause 5.22.6.1 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 5.22.6.1; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

5.22.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within a Development Area.

5.22.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.

5.22.7 Submission to the Local Government and the Western Australian Planning Commission

5.22.7.1 A proposed structure plan prepared by an owner is to be submitted to the Local Government.

5.22.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the Local Government is to forward a copy of the proposed structure plan to the Western Australian Planning Commission.

5.22.7.3 The Western Australian Planning Commission may provide comments as to the suitability of the proposed structure plan.

#### 5.22.8 Advertising of structure plan

5.22.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.22.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—

- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and
- (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
  - (i) all owners whose land is included in the proposed structure plan;
  - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;
  - (iii) such public authorities and other persons as the local government nominates.

#### 5.22.8.2 The advertisement and notice are to—

- (a) explain the scope and purpose of the proposed structure plan;
- (b) specify when and where the proposed structure plan may be inspected; and
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.

#### 5.22.9 Adoption of proposed structure plan

5.22.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—

- (a) adopt the proposed structure plan, with or without modifications; or
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.

5.22.9.2 (a) In making a determination under clause 5.22.9.1, the local government is to have due regard to the comments and advice received from the Western Australian Planning Commission in relation to the proposed structure plan.

- (b) If the Western Australian Planning Commission requires modifications to the proposed structure plan, the local government is to consult with the Western Australian Planning Commission prior to making a determination under clause 5.22.9.1.

5.22.9.3 If the local government, after consultation with the Western Australian Planning Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may—

- (a) readvertise the proposed structure plan; or
- (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan;

and thereafter, the procedures set out in clause 5.22.8.1 onwards are to apply.

5.22.9.4 If within the period referred to in clause 5.22.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5.22.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

#### 5.22.10 Endorsement by Western Australian Planning Commission

5.22.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5.22.9.1, the Local Government is to forward the proposed structure plan to the Western Australian Planning Commission for its endorsement.

5.22.10.2 As soon as practicable after receiving the proposed structure plan, the Western Australian Planning Commission is to determine whether to endorse the proposed structure plan.

5.22.10.3 The Western Australian Planning Commission is to notify the Local Government of its determination under clause 5.22.10.2.

#### 5.22.11 Notification of structure plan

As soon as practicable after adopting a proposed structure plan under clause 5.22.9.1 and if clause 5.22.10 applies, as soon as practicable after being notified of the Western Australian Planning Commission's decision under clause 5.22.10.3, the Local Government is to forward a copy of the structure plan to—

- (a) any public authority or person that the Local Government thinks fit; and
- (b) where the structure plan was submitted by an owner, to the owner.

#### 5.22.12 Operation of structure plan

##### 5.22.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Western Australian Planning Commission pursuant to clause 5.22.10.2; or
- (b) on the day on which it is adopted by the Local Government under clause 5.22.9.1 in all other cases.

5.22.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

##### 5.22.13 Inspection of structure plan

The structure plan and the Western Australian Planning Commission's notification under clause 5.22.10.3 is to be kept at the Local Government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

##### 5.22.14 Variation to structure plan

##### 5.22.14.1 The Local Government may vary a structure plan—

- (a) by resolution if, in the opinion of the Local Government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 5.22.6 onwards.

5.22.14.2 If the Local Government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the Local Government is to forward a copy of the variation to the Western Australian Planning Commission within 10 days of making the resolution.

5.22.14.3 If the Local Government varies a structure plan by resolution, and the variation proposes the subdivision of land, the Local Government is to forward a copy of the variation to the Western Australian Planning Commission within 10 days of making the resolution for its endorsement.

5.22.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 5.22.14.3, the Western Australian Planning Commission is to determine whether to endorse the proposed variation.

5.22.14.5 The Western Australian Planning Commission is to notify the Local Government of its determination under clause 5.22.14.4.

##### 5.22.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Western Australian Planning Commission pursuant to clause 5.22.14.4; or
- (b) on the day on which the Local Government resolves to make the variation under clause 5.22.14.1 (a).

##### 5.22.15 Detailed area plan

5.22.15.1 A detailed area plan only applies to the determination of development applications and is required where—

- (a) it has been identified on a structure plan;
- (b) the Local Government considers that it is desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots; or
- (c) the Local Government is of the opinion that any particular lot or lots within the Scheme area requires coordinated planning.

##### 5.22.15.2 A detailed area plan may include details as to—

- (a) building envelopes;
- (b) distribution of land uses within a lot;
- (c) private open space;
- (d) services;
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- (f) the location, orientation and design of buildings and the space between buildings;
- (g) advertising signs, lighting and fencing;
- (h) landscaping, finished site levels and drainage;
- (i) protection of sites of heritage, conservation or environmental significance;
- (j) special development controls and guidelines; and
- (k) such other information considered relevant by the Local Government.

5.22.15.3 When a proposed detailed area plan is prepared under clause 5.22.15.1, the Local Government is to—

- (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
  - (i) notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
  - (ii) a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed detailed area plan applies; and

- (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
    - (i) all owners whose land is included in the proposed detailed area plan;
    - (ii) all owners and occupiers who, in the opinion of the Local Government, are likely to be affected by the adoption of the proposed detailed area plan; and
    - (iii) such public authorities and other persons as the Local Government nominates.
- 5.22.15.4 The advertisement and notice are to—
- (a) explain the scope and purpose of the proposed detailed area plan;
  - (b) specify when and where the proposed detailed plan may be inspected; and
  - (c) invite submissions to the Local Government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 5.22.15.5 The Local Government is to consider all submissions received and—
- (a) approve the detailed area plan with or without conditions; or
  - (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.
- 5.22.15.6 If within 60 days of receiving a detailed area plan prepared under clause 5.22.15.1(b), or such longer period as may be agreed in writing between the owner and the Local Government, the Local Government has not made one of the determinations referred to in clause 5.22.15.5, the Local Government is deemed to have refused to approve the detailed area plan.
- 5.22.15.7 Where a structure plan is in place, an approved detailed area plan constitutes a variation of the structure plan in regard to determining development matters under this scheme.
- 5.22.15.8 The Local Government may vary a detailed area plan in accordance with the procedures set out in clause 5.22.15 onwards provided such variations do not prejudice the intention of any related structure plan.
- 5.22.16 Appeal
- 5.22.16.1 An owner who has submitted a proposed structure plan under clause 5.22.6 may appeal, in accordance with the *Planning and Development Act 2005*—
- (a) any failure of the Local Government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 5.17.8;
  - (b) any determination of the Local Government—
    - (i) to refuse to adopt a proposed structure plan (including a deemed refusal); or
    - (ii) to require modifications to a proposed structure plan that are unacceptable to that owner.
- 5.22.16.2 An owner who has submitted a detailed area plan in accordance with clause 5.22.15 may appeal, in accordance with the *Planning and Development Act 2005*, any discretionary decision made by the Local Government under clause 5.22.15.5.
- 5.22.17 Structure plans and other Instruments Adopted or Initiated under Previous Scheme
- 5.22.17.1 Where pursuant to the requirements of the former Shire of Chapman Valley Town Planning Scheme No. 1 (the previous scheme), a Structure Plan, Outline Development Plan, Subdivision Guide Plan, Detailed Area Plan, Concept Plan or any similar instrument (a “planning instrument”) had been adopted and was operative at the date of gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Structure Plan under this Scheme.
- 5.22.17.2 Where under the previous scheme the process of adopting a planning instrument had been commenced but was not complete at the date gazettal of the Scheme, the steps in the process undertaken pursuant to the previous scheme shall be effective as if those steps were undertaken pursuant to this Scheme, and the remaining steps or steps in the process necessary for the adoption of the planning instrument may be completed pursuant to this Scheme, as if the planning instrument were a Structure Plan under this Scheme.

## PART 6—SPECIAL CONTROL AREAS

### 6.1 Operation of Special Control Areas

- 6.1.1 The following special control areas are shown on the Scheme Maps as a SCA with a number—
- (a) Special Control Area 1—Oakajee Industrial Zone and Buffer (SCA1);
  - (b) Special Control Area 2—Moresby Ranges Landscape Protection (SCA2);
  - (c) Special Control Area 3—Public Drinking Water Supply (SCA3);
  - (d) Development Contribution Areas (shown on the Scheme Maps as DCA with a number and included in Schedule 13).
- 6.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

### 6.2 Special Control Area 1—Oakajee Industrial Zone and Buffer

- 6.2.1 Special Control Area 1, as shown on the Scheme Maps (generally bounded by Buller River to the south, the ocean foreshore to the west, Coronation Beach Road to the north and an alignment east of the North West Coastal Highway) comprises the Oakajee Industrial Zone and Buffer.

6.2.2 The Oakajee Industrial Zone, located within the Special Control Area, is an area under review by the Government with respect to its potential as a location for heavy industry. The zone allows for the location of industrial development but without any implied Government commitment to provide the necessary transport infrastructure to the site. The zone includes a potential strategic industrial core area, ancillary general industrial area and a potential regional port facility.

The potential for industrial development within the strategic industrial core in the Industrial Zone generates the need for a buffer to prevent land use conflicts. The Special Control Area boundary is defined by the outer boundary of the buffer, which is reserved exclusively to accommodate impacts from industry located in the strategic industrial core. Industry—Noxious and Industry—Hazardous located outside of the Special Control Area shall not compromise development of the strategic industrial core afforded by the Oakajee Industrial Buffer.

6.2.3 The purpose of Special Control Area 1 is to—

- (a) Provide for appropriate environmental and planning controls pertaining to the development of an industrial estate housing industries of strategic economic value to the State and Region, and which require separation from sensitive land-uses; and
- (b) Provide for a buffer surrounding the industrial estate within which land uses incompatible with the purpose of the industrial estate are not permitted.
- (c) Support continued broad-acre agriculture on larger land holdings and the strategic placement and stockpiling of raw or manufactured materials (other than hazardous materials) subject to environmental and visual considerations.

In determining any application for planning approval on land within Special Control Area 1, the Local Government shall give consideration to the purpose of the Special Control Area.

6.2.4 The following provisions apply throughout the whole of Special Control Area 1—

- (a) All development proposed must be in accordance with an approved structure plan or plans prepared in accordance with Clause 5.22 of the Scheme.
- (b) Notwithstanding any other provision contained within this Scheme no residential use, temporary or permanent, including a Dwelling House (Single), shall be permitted on land within the Special Control Area. Specific exception may be made to accommodate temporary camp accommodation for workers prior to the establishment of the first industry within the Strategic Industry zone.
- (c) All development applications submitted to the Local Government within the strategic industrial core (Area C) shall be referred to the Environmental Protection Authority.
- (d) Prior to any clearing of remnant vegetation, searches shall be undertaken to identify significant flora on the site. Flora management strategies will be prepared for areas of significant flora.
- (e) The Estate Manager will be required to establish a noise monitoring program before the establishment of the first industrial activity to monitor the cumulative impact of noise generated by industries in the estate, in consultation with the Department of Environment, to determine whether Environmental Protection Authority Regulations are being met within the special control area boundary.
- (f) The Estate Manager will be required to review proponent air emissions modelling to confirm compatibility with air quality modelling used to define the buffer boundary and report results to the Department of Environment and Conservation and the Office of the Environmental Protection Authority.
- (g) The Estate Manager will be required to establish a program before the establishment of the first industrial activity for collection of baseline data and undertake air quality monitoring for dust and particle emissions to the satisfaction of the Department of Environment.
- (h) The Estate Manager will be required to review proponent quantitative risk assessment to confirm compatibility with quantitative risk assessment used to define the buffer boundary and report results to the Department of Environment and Conservation and the Office of the Environmental Protection Authority.
- (i) The Estate Manager will be required to establish a monitoring program, before the establishment of the first industrial activity, for groundwater to collect baseline data and to the satisfaction of the Department of Environment and Conservation and the Office of the Environmental Protection Authority.
- (j) The Estate Manager will be required to establish a rainfall monitoring program before the establishment of the first industrial activity and is to report results to the Department of Environment and Conservation and the Office of the Environmental Protection Authority.
- (k) Notwithstanding the provisions contained within Part IV of this Scheme, should the cumulative environmental impacts of incremental industrial development exceed the Environmental Protection Authority criteria, the Estate Manager is required to make suitable arrangements for occupants of residences within the Oakajee Industrial Zone buffer to vacate that residence.
- (l) Individual industries will be required to provide drainage plans to the satisfaction of the Local Government prior to undertaking any construction.
- (m) The Estate Manager will be required to prepare an overall Oakajee Landscape Master Plan with performance timetables to ensure nominated actions are completed within time. This Master Plan is to be prepared prior to commencement of construction of the first industry.

- (n) Individual industries will comply with Landscape Master Plan requirements and submit individual landscape plans and implementation timetables with their development applications. Landscape plans shall be designed and implemented to the satisfaction of the Local Government.
- (o) Provisions shall be made for the protection and management of two European heritage sites illustrated on the Structure Plan. All development applications shall also be required to address aboriginal heritage issues in accordance with Aboriginal Heritage Management Plan/s approved by the state government agency responsible for the protection of aboriginal heritage.

6.2.5 The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area C)—

- (a) All major development shall be subject to approved environmental management criteria governing layout, manner of development and ongoing management of proposed operations, including safety and satisfactory storage or disposal of noxious or hazardous materials or wastes.
- (b) All major development shall be subject to an environmental impact statement if requested by the Local Government.

6.2.6 The following provisions apply to that part of Special Control Area 1 shown on the Scheme Maps as Industrial Zone (Area B)—

- (a) Prior to construction of the port—
  - (i) a Coastal Management and Structure Plan will be prepared for Area B of the Industrial Zone by the State Government to the satisfaction of the Local Government and in consultation with the Environmental Protection Authority and the Western Australian Planning Commission; and
  - (ii) a Structure Plan is to be prepared in accordance with Clause 5.22, to be adopted by the Local Government, and endorsed by the Western Australian Planning Commission. The Plans are to provide for the coordination and integration of intended land uses, transport and service corridors and sites of heritage and landscape significance, and shall depict public access to and along the ocean foreshore. The Plans are to address port and associated activities, transport and services corridors and rehabilitation of remnant vegetation and management of recreation.
- (b) The Coastal Management and Structure Plan shall be consistent with relevant Western Australian Planning Commission policy, shall conform with conditions set by the Minister for the Environment for the Oakajee Deep Water Port Proposal.

### 6.3 Special Control Area 2—Moresby Ranges Landscape Protection

6.3.1 Special Control Area 2, as shown on the Scheme Maps, comprises the Moresby Ranges Landscape Protection Special Control Area.

6.3.2 The purpose of Special Control Area 2 is the protection of the Moresby Ranges and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for planning approval on land within Special Control Area 2, the Local Government shall give consideration to the purpose of the Special Control Area.

6.3.3 Within Special Control Area 2 no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for—

- (a) Clearing to comply with the requirements of the *Bush Fires Act 1954*, the Local Government's Bush Fire Notice and/or any fire management plan endorsed by the Local Government;
- (b) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the Local Government; and/or
- (c) Clearing as may be allowed under the Department of Environment and Conservation Land Clearing Regulations;
- (d) Trees that are diseased or dangerous.

6.3.4 In the determination of any application for planning approval within Special Control Area 2 the Local Government may, having regard to the purpose of the Special Control Area set out in Clause 6.3.2 and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals, or impose conditions of approval regarding—

- (a) The siting of the proposed development;
- (b) The design and layout of the proposed development;
- (c) The materials and finishes to be used in the proposed development;
- (d) The protection of remnant native vegetation or re-vegetation located on the site;
- (e) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or
- (f) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.

## 6.4 Special Control Area 3—Public Drinking Water Source Protection Area

### 6.4.1 Purposes and Intent—

- (a) to identify the proclaimed Public Drinking Water Source Protection Areas; and
- (b) to ensure that land use and development within is compatible with the protection and long term management of water resources for public water supply.

### 6.4.2 Relevant considerations—

- (a) in determining land uses and development proposals, the Local Government will have due regard to relevant State Government policies and the most recent Department of Water, *Land Use Compatibility Tables for Public Drinking Supply Areas*; and
- (b) in determining land uses and development proposals, the Local Government is to have due regard to any comments and recommendations from the Department of Water and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The Local Government should also have regard to the management direction provided by priority classification of certain areas, noting that—
  - (i) Priority 2 areas are defined to ensure that there is no increased risk of pollution of the water source; and
  - (ii) Priority 3 areas are defined to manage the risk of pollution to the water source.

6.4.3 Prior to approving land uses in Special Control Area 3, the Local Government may refer applications to the Department of Water and the Water Corporation for consideration and recommendation.

## 6.5 Development Contribution Areas

### 6.5.1 Interpretation

In clause 6.5, unless the context otherwise requires—

“Administrative costs” means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

“Administrative items” means the administrative matters required to be carried out by or on behalf of the Local Government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

“Cost apportionment schedule” means a schedule prepared and distributed in accordance with clause 6.5.10.

“Cost contribution” means the contribution to the cost of infrastructure and administrative costs.

“Development contribution area” means shown on the scheme map as DCA with a number and included in Schedule 13.

“Development contribution plan” means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6 of the scheme (as incorporated in Schedule 13 to this scheme).

“Development contribution plan report” means a report prepared and distributed in accordance with clause 6.5.10.

“Infrastructure” means the standard infrastructure items (services and facilities set out in Appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

“Infrastructure costs” means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

“Local Government” means the Local Government or Local Governments in which the development contribution area is located or through which the services and facilities are provided.

“Owner” means an owner of land that is located within a development contribution area.

### 6.5.2 Purpose

The purpose of having development contribution areas is to—

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of Infrastructure.

### 6.5.3 Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

### 6.5.4 Development contribution plan part of scheme

The development contribution plan is incorporated in Schedule 13 as part of this scheme.

### 6.5.5 Subdivision, strata subdivision and development

The Local Government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

### 6.5.6 Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles—

(a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

(b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

### 6.5.7 Recommended content of development contribution plans

#### 6.5.7.1 The development contribution plan is to specify—

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

### 6.5.8 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

### 6.5.9 Land excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for—

- (a) roads designated under an applicable Region Scheme as primary regional roads and other regional roads;
  - (b) existing public open space;
  - (c) existing government primary and secondary schools; and
  - (d) such other land as is set out in the development contribution plan,
- is to be excluded.

### 6.5.10 Development contribution plan report and cost apportionment schedule

6.5.10.1 Within 90 days of the development contribution plan coming into effect, the Local Government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6.5.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

6.5.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the Local Government they are subject to review as provided under clause 6.5.11.

#### 6.5.11 Cost contributions based on estimates

6.5.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Local Government and adjusted accordingly, if necessary.

6.5.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Local Government—

- (a) in the case of land to be acquired, in accordance with clause 6.5.12; and
- (b) in all other cases, in accordance with the best and latest information available to the Local Government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

6.5.11.3 The Local Government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

6.5.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the Local Government—

- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
- (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

6.5.11.5 Where an owner's cost contribution is adjusted under clause 6.5.11.4, the Local Government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

6.5.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the Local Government requesting a review of the amount of the cost contribution by an appropriate qualified person ("independent expert") agreed by the Local Government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

6.5.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—

- (a) by any method agreed between the Local Government and the owner; or
- (b) if the Local Government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the Local Government and owner.

#### 6.5.12 Valuation

6.5.12.1 Clause 6.5.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.5.12.2 In clause 6.5.12—

"Value" means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell. The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 13. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10% profit factor is to be excluded from the calculation.

"Valuer" means a licensed valuer agreed by the Local Government and the owner, or, where the Local Government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.5.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the Local Government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

6.5.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined—

- (a) by any method agreed between the Local Government and the owner; or
- (b) if the Local Government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

#### 6.5.13 Liability for cost contributions

6.5.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.5.

6.5.13.2 An owner's liability to pay the owner's cost contribution to the Local Government arises on the earlier of—

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
- (b) the commencement of any development on the owner's land within the development contribution area;
- (c) the approval of any strata plan by the Local Government or Western Australian Planning Commission on the owner's land within the development contribution area; or
- (d) the approval of a change or extension of use by the Local Government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

6.5.13.3 Notwithstanding clause 6.5.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

6.5.13.4 Where a development contribution plan expires in accordance with clause 6.5.8, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

6.5.14 Payment of cost contribution

6.5.14.1 The owner, with the agreement of the Local Government, is to pay the owner's cost contribution by—

- (a) cheque or cash;
- (b) transferring to the Local Government or a public authority land in satisfaction of the cost contribution;
- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the Local Government; or
- (e) any combination of these methods.

6.5.14.2 The owner, with the agreement of the Local Government, may pay the owner's cost contribution in a lump sum, by installments or in such other manner acceptable to the Local Government.

6.5.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the Local Government, constitutes full and final discharge of the owner's liability under the development contribution plan and the Local Government shall provide certification in writing to the owner of such discharge if requested by the owner.

6.5.15 Charge on land

6.5.15.1 The amount of any cost contribution for which an owner is liable under clause 6.5.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the Local Government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

6.5.15.2 The Local Government, at the owner's expense and subject to such other conditions as the Local Government thinks fit, can withdraw a caveat lodged under clause 6.5.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

6.5.15.3 If the cost contribution is paid in full, the Local Government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.5.15.

6.5.16 Administration of funds

6.5.16.1 The Local Government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

6.5.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.5.16.1 is to be applied in the development contribution area to which the reserve account relates.

6.5.16.3 The Local Government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

6.5.17 Shortfall or excess in cost contributions

6.5.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the Local Government may—

- (a) make good the shortfall;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution,

but nothing in paragraph 6.5.17.1(a) restricts the right or power of the Local Government to impose a differential rate to a specified development contribution area in that regard.

6.5.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the Local Government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

#### 6.5.18 Powers of the Local Government

The Local Government in implementing the development contribution plan has the power to—

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

#### 6.5.19 Arbitration

Subject to clauses 6.5.12.3 and 6.5.12.4, any dispute between an owner and the Local Government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

## PART 7—HERITAGE PROTECTION

### 7.1 Heritage List

7.1.1 The Local Government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List the Local Government is to—

- (a) have regard to the municipal inventory prepared by the Local Government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the Municipal Inventory as it considers to be appropriate.

7.1.3 For the purpose of this Clause, the Heritage List means the Shire of Chapman Valley Municipal Inventory as it relates to the Scheme Area, as amended from time to time, prepared by the local government pursuant to Section 45 of the *Heritage of Western Australia Act 1990*, or such parts thereof described in the Heritage List.

7.1.4 In considering a proposal to include a place on the Heritage List the Local Government is to—

- (a) notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;
- (b) invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) carry out such other consultations as it thinks fit; and
- (d) consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.5 Where a place is included on the Heritage List, the Local Government is to give notice of the inclusion to the Western Australian Planning Commission, the Heritage Council of Western Australia and to the owner and occupier of the place.

7.1.6 The Local Government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.7 The Local Government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.4.

*Note:*

1. *The purpose and intent of the heritage provisions are—*
  - (a) *to facilitate the conservation of places of heritage value; and*
  - (b) *to ensure as far as possible that development occurs with due regard to heritage values.*
2. *A “place” is defined in Schedule 1 and may include works, buildings and contents of buildings.*

### 7.2 Designation of a Heritage Area

7.2.1 If, in the opinion of the Local Government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the Local Government may, by resolution, designate that area as a heritage area.

7.2.2 The Local Government is to—

- (a) adopt for each heritage area a Local Planning Policy which is to comprise—
  - (i) a map showing the boundaries of the heritage area;
  - (ii) a record of places of heritage significance;
  - (iii) objectives and guidelines for the conservation of the heritage area; and
- (b) keep a copy of the Local Planning Policy for any designated heritage area with the Scheme documents for public inspection.

7.2.3 If a Local Government proposes to designate an area as a heritage area, the Local Government is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
  - (i) publishing a notice of the proposed designation once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area;
  - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
  - (iii) such other methods as the Local Government considers appropriate to ensure widespread notice of the proposal; and
- (c) carry out such other consultation as the Local Government considers appropriate.

7.2.4 Notice of a proposal under clause 7.2.3(b) is to specify—

- (a) the area subject of the proposed designation;
- (b) where the proposed Local Planning Policy which will apply to the proposed heritage area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5 After the expiry of the period within which submissions may be made, the Local Government is to—

- (a) review the proposed designation in the light of any submissions made; and
- (b) resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6 If the Local Government resolves to adopt the designation, the Local Government is to forward a copy of the designation to the Heritage Council of Western Australia, the Western Australian Planning Commission and each owner of land affected by the designation.

7.2.7 The Local Government may modify or revoke a designation of a heritage area.

7.2.8 Clauses 7.2.3 to 7.2.6 apply, with any necessary changes to the amendment of a designation of a heritage area.

### 7.3 Heritage Agreements

The Local Government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

*Note—*

1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

### 7.4 Heritage Assessment

Despite any existing assessment on record, the Local Government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

### 7.5 Variations to Scheme Provisions for a Heritage Place or Heritage Area

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the Local Government may vary any site or development requirement specified in the Scheme or the Residential Design Codes by following the procedures set out in clause 5.5.2.

## PART 8—DEVELOPMENT OF LAND

### 8.1 Requirement for Approval to Commence Development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Local Government. A person shall not commence or carry out any development without first having applied for and obtained the planning approval of the Local Government under Part 9.

*Note—*

1. The planning approval of the Local Government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
2. Development includes the erection, placement and display of any advertisements.

## 8.2 Permitted Development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of Local Government—

- (a) the carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
  - (i) located in a place that has been entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
  - (iii) included on the Heritage List under clause 7.1 of the Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where—
  - (i) the proposal requires the exercise of a discretion by the Local Government under the Scheme to vary the provisions of the Residential Design Codes;
  - (ii) the development will be located in a heritage area designated under the Scheme;
  - (iii) the building is a relocated building;
  - (iv) the development will involve the erection of any structure greater than 9.0 metres in height above natural ground level;
  - (v) the development will be taking place on a lot that does not have constructed road access and/or legal road frontage;
  - (vi) the development is proposed within 100 metres of any natural waterway or may be potentially affected by a 1 in 100 year flood of the Chapman, East Chapman, Oakajee, Buller or Greenough Rivers, or the Durawah Gully; or
  - (vii) the development is proposed to take place on any land that is within the Townsite, Development, Rural Residential, Rural Smallholding, or Local Centre Zone.
- (c) the demolition of any building or structure except where the building or structure is—
  - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
  - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
  - (iv) located within a heritage area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the Local Government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included in the Heritage List or in a heritage area;
- (g) the erection of a fence that does not at any point exceed 1.8 metres in height above natural ground level, except within the front setback of any Residential, Townsite, Development or Local Centre Zoned land; or
- (h) the carrying out of earthworks that does not, at any point, cause the resultant ground level to deviate by greater than 0.6 metres in height above or below natural ground level, including the construction of a retaining wall that does not, at any point, exceed 0.6 metres in height above or below natural ground level.
  - (i) the carrying out of extensive agriculture activities in the Rural zone and Rural Smallholding zone.

*Note: Development carried out in accordance with a subdivision approval granted by the Western Australian Planning Commission is exempt under section 157 of the Planning and Development Act 2005.*

## 8.3 Amending or Revoking a Planning Approval

The Local Government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

## 8.4 Unauthorised Existing Developments

8.4.1 The Local Government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

*Note—*

1. *Applications for approval to an existing development are made under Part 9.*
2. *The approval by the Local Government of an existing development does not affect the power of the Local Government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

### **8.5 Requirement for consultation to commence mining**

In considering proposals to commercially extract minerals, Council may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy.

## **PART 9—APPLICATIONS FOR PLANNING APPROVAL**

### **9.1 Form of Application**

9.1.1 An application for approval for one or more of the following—

- (a) a use or commencement of development on a Local Reserve under clause 3.4;
- (b) commencement of a “P” use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) commencement of a “D” use or an “A” use as referred to in clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.9;
- (f) a change of a non-conforming use under clause 4.9;
- (g) continuation of a non-conforming use under clause 4.12;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 8.1;
- (j) continuation of development already commenced or carried out under clause 8.4;
- (k) a subsequent planning approval pursuant to an approval under clause 10.8.1;
- (l) the erection, placement or display of an advertisement; and
- (m) applications in Special Control Areas.

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plan/s and other information as is required under the Scheme.

9.1.2 An application for the erection, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

### **9.2 Accompanying Material**

Unless the Local Government waives any particular requirement every application for planning approval is to be accompanied by—

- (a) A plan or plans to a scale of not less than 1:500 showing —
  - (i) the location of the site including street names, lot numbers, north point and the dimensions of the site;
  - (ii) the existing and proposed ground levels over the whole of the land the subject of the application and the location, height and type of all existing buildings and structures together with vegetation proposed to be removed;
  - (iii) the existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
  - (iv) the existing and proposed means of access for pedestrians and vehicles to and from the site;
  - (v) the location, number dimensions and layout of all car parking spaces intended to be provided;
  - (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
  - (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that Local Government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
- (d) any other plan or information that the Local Government may require to enable the application to be determined.

### **9.3 Additional Material for Heritage Matters**

Where an application relates to a place entered on the Heritage List or within a heritage area, the Local Government may require an applicant to provide one or more of the following to assist the Local Government in its determination of the application—

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;

- (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Local Government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

#### **9.4 Advertising of Applications**

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) an “A” use as referred to in clause 4.3.2; or
- (b) a use not listed in the Zoning Table,

the Local Government is not to grant approval to that application unless notice is given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where application is made for a purpose other than a purpose referred to in that clause, the Local Government may require notice to be given in accordance with clause 9.4.3.

9.4.3 The Local Government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the Local Government, are likely to be affected by the granting of planning approval, stating that submissions may be made to the Local Government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme area stating that submissions may be made to the Local Government by a specified day being not less than 14 days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4 The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the Local Government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the Local Government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the Local Government is to consider and determine the application.

### **PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS**

#### **10.1 Consultation with Other Authorities**

10.1.1 In considering an application for planning approval the Local Government may consult with any other statutory, public or planning authority it considers appropriate.

10.1.2 In the case of crown land reserved under the Scheme for the purposes of a public authority, the Local Government is to consult that authority before making its determination.

10.1.3 In the case of coastal and foreshore reserves the Local Government may consult with the Department of Water and/or Department of Environment and Conservation before making its determination.

10.1.4 In the case of potential major road alignments shown upon the Local Planning Strategy Map the Local Government may consult with Main Roads WA before making its determination.

10.1.5 In the case of crown land reserved under the Scheme without designation, the Local Government may consult with the Department for Lands before making its determination.

#### **10.2 Matters to be Considered by Local Government**

The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application—

- (a) the aims and provisions of the Scheme;
- (b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) any approved statement of planning policy of the Western Australian Planning Commission;
- (d) any approved environmental protection policy under the *Environmental protection Act 1986*;
- (e) any relevant policy or strategy of the Western Australian Planning Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) the conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;

- (i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;
- (k) the cultural significance of any place or area affected by the development;
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) whether public transport services are necessary and if so, whether they are available and adequate for the proposal;
- (s) whether public utility services are available and adequate for the proposal;
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) whether adequate provision has been made for access by disabled persons;
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;
- (x) the potential loss of any community service or benefit resulting from the planning approval;
- (y) any relevant submissions received on the application;
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;
- (za) any other planning consideration the Local Government considers relevant.

### 10.3 Determination of Applications

In determining an application for planning approval the Local Government may—

- (a) grant its approval with or without conditions; or
- (b) refuse to grant its approval.

### 10.4 Form and Date of Determination

10.4.1 As soon as practicable after making a determination in relation to the application, the Local Government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the Local Government's determination.

10.4.2 Where the Local Government refuses an application for planning approval the Local Government is to give reasons for its refusal.

### 10.5 Term of Planning Approval

10.5.1 Where the Local Government grants planning approval for the development of land—

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the Local Government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

### 10.6 Temporary Planning Approval

Where the Local Government grants planning approval, the Local Government may impose conditions limiting the period of time for which the approval is granted.

*Note:* A temporary planning approval is where the Local Government grants approval for a limited period, for example, where the land may be required for some other purpose in the future, and is different to the term of the planning approval which is the period within which the development must commence.

### 10.7 Scope of Planning Approval

Planning approval may be granted—

- (a) for the use or development for which the approval is sought;
- (b) for that use or development, except for a specified part or aspect of that use or aspect of that use or development; or
- (c) for a specified part or aspect of that use or development.

### 10.8 Approval subject to Later Approval of Details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the Local Government may grant approval subject to matters requiring the subsequent planning approval of the Local Government. These matters may include the siting, design, external appearance of the buildings, means of access, landscaping, and such other matters as the Local Government thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the Local Government may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the Local Government has granted approval subject to matters requiring the later planning approval of the Local Government, an application for approval of those matters must be made not later than 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

### 10.9 Deemed Refusal

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the Local Government within 60 days of the receipt of the application by the Local Government, or within such further time as is agreed in writing between the applicant and the Local Government.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the Local Government within 90 days of the receipt of the application by the Local Government, or within such further time as is agreed in writing between the applicant and the Local Government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the Local Government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination as if it had been made before the period expired.

### 10.10 Appeals

An applicant aggrieved by a determination of the Local Government in respect of the exercise of a discretionary power under the Scheme may appeal under the *Planning and Development Act 2005*.

## PART 11—ENFORCEMENT AND ADMINISTRATION

### 11.1 Powers of the Local Government

11.1.1 The Local Government in implementing the Scheme has the power to—

- (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the *Planning and Development Act 2005*; and
- (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the Local Government authorized by the Local Government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

### 11.2 Removal and Repair of Existing Advertisements

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the Local Government, in conflict with the amenity of the locality, the Local Government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the Local Government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the Local Government may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the Local Government in the notice; or
- (b) remove the advertisement.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternatively courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, being not less than 60 days from the date of the Local Government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may appeal under the *Planning and Development Act 2005* against the determination of the Local Government.

### 11.3 Delegation of Functions

11.3.1 The Local Government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The Chief Executive Officer may delegate to any employee of the Local Government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under clause 11.3.1.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority of the Council as if the power had been exercised under the *Local Government Act 1995*.

11.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

### 11.4 Person must comply with Provisions of Scheme

A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme area—
  - (i) otherwise than in accordance with the Scheme;
  - (ii) unless all approvals required by the Scheme have been granted and issued;
  - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
  - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the Local Government under the Scheme with respect to that building or that use.

*Note:* Section 223 of the *Planning and Development Act 2005* provides that a person who commits an offence under this Act is liable to a penalty of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which day the offence continues.

### 11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Part 11 of the *Planning and Development Act 2005*—

- (a) in any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
  - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
  - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose,

no later than 6 months after the application is refused or the permission granted.

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under Clause 11.5.1.

*Note:* A claim for compensation under Part 11 of the *Planning and Development Act 2005* may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

### 11.6 Purchase of Taking of Land

11.6.1 If, where compensation of injurious affection is claimed under the *Planning and Development Act 2005*, the Local Government elects to purchase or take the land compulsorily the Local Government is to give written notice of that election to the claimant within 3 months of the claim for compensation being made.

11.6.2 The Local Government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

*Note:* Part 11 of the *Planning and Development Act 2005* empowers the Local Government to purchase or compulsorily acquire land comprised in a Scheme.

## SCHEDULES

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SCHEDULE 1

**DICTIONARY OF DEFINED WORDS AND EXPRESSIONS**

**1. General Definitions**

In the Scheme—

“**advertisement**” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any boarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising;

“**amenity**” means all of those factors which combine to form the character of an area and include the present and likely future amenity;

“**building envelope**” means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

“**conservation**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**cultural heritage significance**” has the same meaning as in the *Heritage of Western Australia Act 1990*;

“**DER**” means the department of the Public Service of the State through which the *Environmental Protection Act 1986* is administered;

“**development**” has the same meaning as given to it in the *Planning and Development Act 2005*;

“**environment**” has the same meaning as given to it in the *Environment Protection Act 1986*;

“**environmental harm**” means the direct or indirect alteration of the environment, or any aspect of the environment, to its detriment or degradation;

“**floor area**” has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

“**frontage**”, when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

“**gazettal date**”, in relation to a Scheme, means the date on which the Scheme is published in the *Government Gazette* under the *Planning and Development Act 2005*;

“**height**” when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof directly above;

“**incidental use**” means a use of premises which is ancillary and subordinate to the predominant use;

“**Local Government**” means the Shire of Chapman Valley;

“**Local Planning Strategy**” means the Local Planning Strategy in respect of the Scheme, as endorsed by the Western Australian Planning Commission under regulation 12B of the *Town Planning Regulations 1967* and amended from time to time;

“**lot**” has the same meaning as in the *Planning and Development Act 2005* but does not include a strata or survey strata lot;

“**minerals**” has the same meaning as in the *Mining Act 1978*;

“**net lettable area (nla)**” means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner’s cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;

- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provisions of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

“**non-conforming use**” has the same meaning as in the *Planning and Development Act 2005*;

“**owner**”, in relation to any land, includes the Crown and every person who jointly or severally whether at law or in equity—

- (a) is entitled to the land for an estate in fee simple possession;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (c) is a lessor or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

“**place**”, in Part 7 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*;

“**plot ratio**”, in the case of residential dwellings has the same meaning as in the Residential Planning Codes;

“**precinct**” means a definable area where particular planning policies, guidelines or standards apply;

“**predominant use**” means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

“**premises**” means land or buildings;

“**Residential Design Codes**” means the Residential Design Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No.1, as amended from time to time;

“**retail**” means the sale or hire of goods or services to the public;

“**substantially commenced**” means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

“**wholesale**” means the sale of goods or materials to be sold by others;

“**zone**” means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

## 2. Land Use Definitions

In the Scheme—

“**abattoir**” means land and buildings used for the slaughter animals for human consumption and the treatment of carcasses, offal and by-products;

“**aged or dependant persons dwelling**” shall have the same meaning as that given to it for the purposes of the Residential Design Codes;

“**aged persons village**” means a building or group of buildings designed for residential occupation by persons 55 years of age or older and includes buildings and parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

“**agriculture—extensive**” means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;

“**agriculture—intensive**” means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or
- (d) aquaculture;

“**agroforestry**” means land used commercially for tree production and agriculture where trees are planted in blocks of more than 1 hectare;

“**amusement parlour**” means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;

“**ancillary accommodation**” shall have the same meaning as that given to it for the purposes of the Residential Design Codes;

“**animal establishment**” means premises used for breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;

“**animal husbandry—intensive**” means premises used for keeping, rearing or fattening or pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

- “**bed and breakfast**” means a dwelling, used by a resident of the dwelling, to provide accommodation for person away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
- “**betting agency**” means an office or totalisator agency established under the *Totalisator Agency Board Betting Act 1960*;
- “**camping ground**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “**caravan park**” has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;
- “**caretaker’s dwelling**” means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
- “**carpark**” means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;
- “**child care premises**” has the same meaning as in the *Community Services (Child Care) Regulations 1988*;
- “**cinema/theatre**” means premises where the public may view a motion picture or theatrical production;
- “**civic use**” means premises used by a government department, an instrumentality of the Crown, or the Local Government, for administrative, recreational or other purposes;
- “**club premises**” means premises used by a legally constituted club or association or other body of persons united by a common interest;
- “**community purpose**” means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit;
- “**consulting rooms**” means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
- “**convenience store**” means premises—
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
  - (b) operated during hours which include, but may extend beyond, normal trading hours;
  - (c) which provide associated parking; and
  - (d) the floor area of which does not exceed 300 square metres net lettable area;
- “**corrective institution**” means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
- “**educational establishment**” means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
- “**exhibition centre**” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- “**experiential use**” means any land or buildings used for nature based outdoor activities including guided and self guided tours, leisure and recreation activities operated for profit or gain, but does not include sporting and cultural events.
- “**family day care**” means premises used to provide family day care within the meaning of the *Community Services (Child Care) Regulations 1988*;
- “**fast food outlet**” means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
- “**fuel depot**” means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specially excludes the sale by retail into a vehicle for final use of such fuel from the premises;
- “**funeral parlour**” means premises used to prepare and store bodies for burial or cremation;
- “**grouped dwelling**” shall have the same meaning as that given to it for the purposes of the Residential Design Codes;
- “**harbour installation**” means any land or buildings used for and incidental to the purposes of loading, unloading and maintaining ships;
- “**home business**” means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ more than 2 people not members of the occupier’s household;
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 50 square metres;
  - (d) does not involve the retail sale, display or hire of goods of any nature;
  - (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and

- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home business—hire”** means a business, service or profession involved in hiring goods carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than 2 people not members of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area—
  - (i) greater than 50 square metres (inclusive of any administration areas of the business within the dwelling) where the application is located within a residential zone; and
  - (ii) does not occupy an area greater than 100 square metres (inclusive of any administration areas of the business within the dwelling) where the application is located within a rural-residential, rural smallholding or agriculture general zone;
- (d) does not involve the retail sale or display of goods of any nature;
- (e) in relation to vehicles and parking—
  - (i) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood;
  - (ii) does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight or in excess of 8 metres in length; and
  - (iii) provides an area behind the street setback line for the storage of vehicles or vessels associated with the business that is fully screened from the primary or secondary street;
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home occupation”** means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ any person not a member of the occupier’s household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

**“home office”** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

**“hospital”** means premises in which person are admitted and lodged for medical treatment or care and includes a maternity hospital;

**“hotel”** means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

**“industry”** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for—

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail; or
- (d) the provision of amenities for employees, incidental to any of those industrial operations;

**“industry—cottage”** means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier’s household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50 square metres; and
- (e) does not display a sign exceeding 0.2 square metres in area;

- “**industry—extractive**” means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone, or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;
- “**industry—general**” means an industry other than a cottage, extractive, light, mining, rural or service industry;
- “**industry—hazardous**” means an industry which by reason of the processes involved or the method or manufacture or the nature of the materials used or produced requires isolation from other buildings;
- “**industry—light**” means an industry—
- in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;
  - the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;
- “**industry—mining**” means land used commercially to extract minerals from the land;
- “**industry—noxious**” means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act 1911*;
- “**industry—resource processing**” means the winning, processing or treatment of minerals but not including radioactive minerals, and would normally involve—
- substantial capital investment;
  - significant employment; and
  - a need for substantial separation or buffer distances to sensitive areas.
- “**industry—rural**” means—
- an industry handling, treating, processing or packing rural products; or
  - a workshop servicing plant or equipment used for rural purposes;
- “**industry—service**” means—
- an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
  - premises having a retail shop front and used as a depot for receiving goods to be serviced;
- “**liquor store**” means any land or buildings the subject of a Store Licence granted under the provisions of the *Liquor Control Act 1988*;
- “**lodging house/guest house**” shall have the same meaning as is given to the term “lodging house” in and for the purposes of the *Health Act 1911*;
- “**lunch bar**” means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
- “**marina**” means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;
- “**marine collector’s yard**” means land or buildings used for the storage of marine stores;
- “**marine filling station**” means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
- “**market**” means premises used for the display and sale of goods from stalls by independent vendors;
- “**medical centre**” means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
- “**motel**” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*;
- “**motor vehicle, boat or caravan sales**” means premises used to sell or hire motor vehicles, boats or caravans;
- “**motor vehicle repair**” means premises used for or in connection with—
- electrical and mechanical repairs, or overhauls, to vehicles; or
  - repairs to tyres,
- but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
- “**motor vehicle wash**” means premises where the primary use is the washing of motor vehicles;
- “**multiple dwelling**” has the same meaning as in the Residential Design Codes of Western Australia;

- “museum”** means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and/or culture;
- “night club”** means premises—
- (a) used for entertainment with or without eating facilities; and
  - (b) licensed under the *Liquor Control Act 1988*;
- “nursing home”** means commercial premises in which persons receive medical and domestic care during a long illness or infirmity;
- “office”** means premises used for administration, clerical, technical, professional or other like business activities;
- “outbuilding”** has the same meaning as in the Residential Design Codes of Western Australia;
- “park home park”** has the same meaning as in the *Caravan Parks and Camping Ground Regulations 1997*;
- “place or worship”** means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
- “plantation”** has the same meaning as in the *Code of Practice for Timber Plantations in Western Australia* (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers;
- “power generation”** means land and buildings, structures and plant used for the generation of electrical power and includes such land, buildings, structures, ore bodies and water bodies that provide fuel to or are ancillary to the generation of electrical power but shall not include small scale generators, or renewable energy sources;
- “produce store”** means any land or buildings wherein fodders, fertilisers and grain are displayed and offered for sale;
- “public utility”** means any work or undertaking constructed or maintained by a public authority or the Local Government as may be required to provide water, sewerage, electricity, gas, drainage, transport or other similar services;
- “radio and TV installation”** means any land or buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers;
- “railways”** means railway lines, marshalling yards, buildings, signals, stations, sidings and ancillary infrastructure for the purpose of transport of raw and manufactured materials, livestock, and general freight;
- “reception centre”** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
- “recreation—private”** means any land or buildings used for indoor or outdoor cultural or sporting activities which are not usually open to the public without charge;
- “recreation—public”** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation or sporting which are normally open to the public without charge;
- “restaurant”** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Control Act 1988*;
- “restricted premises”** means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—
- (a) publications that are classified as restricted under the *Censorship Act 1996*;
  - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;
- “rural pursuit”** means any premises used for—
- (a) the rearing or agistment of animals;
  - (b) the stabling, agistment or training of horses;
  - (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
  - (d) the sale of produce grown solely on the lot,
- but does not include agriculture—extensive or agriculture—intensive;
- “salvage yard”** means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or damage from natural disaster to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;
- “service station”** means premises used for—
- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and
  - (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles
- but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;

- “**shop**” means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;
- “**short stay accommodation**” means a building, or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period and excludes those uses more specifically defined elsewhere;
- “**showroom**” means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
- “**single house**” shall have the same meaning as that given to it for the purposes of the Residential Design Codes and shall include outbuildings;
- “**stockpiling**” means the temporary storage of raw or manufactured materials for a given purpose in an enclosed or an open environment;
- “**storage**” means premises used for the storage of goods, equipment, plant or materials;
- “**tavern**” means premises licensed as a tavern under the *Liquor Control Act 1988* and used to sell liquor for consumption on the premises;
- “**telecommunications infrastructure**” means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network;
- “**temporary workforce accommodation**” means building/s or dwellings, and may include caravans and dongas, used for exclusive accommodation or staff engaged in temporary construction, mining activities or other seasonal or temporary work, and may include incidental facilities such as catering, sporting and recreational facilities for the exclusive use of the staff, and is removed upon completion of work/s, but does not include a dwelling or residential building as defined in the Residential Planning Codes, motel, hotel, hostel or boarding/lodging house;
- “**trade display**” means premises used for the display of trade goods and equipment for the purpose of advertisement;
- “**transport depot**” means any land or buildings used for the storage of motor vehicles used for or intended to be used for carrying goods or persons for hire or reward of or for any consideration, or for the transfer of goods or persons from one motor vehicle to another motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles;
- “**veterinary centre**” means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;
- “**warehouse**” means premises used to store or display goods and may include sale by wholesale;
- “**way-side store**” means any land or buildings wherein produce which is produced on the land upon which the land or buildings is located is offered for sale to the general public;
- “**wind, solar or tidal energy facility**” means premises used to generate electricity by wind force, solar power or tidal action and includes any turbine, panel, building or other structure used in, or in conjunction with, the generation of electricity by wind force, solar or tidal activity but does not include turbines or panels used principally to supply electricity for a domestic property, rural use of the land or anemometers;
- “**winery**” means premises used for the production of viticultural produce and may include sale of the produce.

SCHEDULE 2  
ADDITIONAL USES

[cl. 4.5]

No.	Description of land	Additional use	Conditions
A1 shown on Scheme Map 9/14 as A1	Lot 14, Location 2248, Nanson-Howatharra Road, Nanson	camping ground, caravan park, holiday accommodation, lodging house/guest house, reception centre, restaurant, winery	<ol style="list-style-type: none"> <li>1. The Local Government may require that a Structure Plan be prepared to its satisfaction prior to approving development;</li> <li>2. Following the preparation of a Structure Plan to the satisfaction of the Local Government, development is to be in accordance with the Structure Plan; and</li> <li>3. The Structure Plan may be amended from time to time at the discretion of the Local Government.</li> </ol>
A2 shown on Scheme Map 9/14 as A2	Lot 20 of Victoria Location 6869 Murphy- Yetna Road, Nanson	Restaurant Reception Centre	<ol style="list-style-type: none"> <li>1. All development is to generally be in accordance with the approved Structure Plan, unless otherwise determined by the Local Government.</li> <li>2. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the Local Government.</li> <li>3. The use of zincalume and/or coloured roof and wall materials, which in the opinion of the Local Government prejudices the landscape amenity of the surrounding landform, is not permitted.</li> <li>4. All habitable buildings (including an Eating House, Restaurant, or Reception Centre Building) shall be serviced by— <ol style="list-style-type: none"> <li>(a) A potable water supply with a minimum storage capacity of 92,000 litres sourced from rainwater catchment or an alternative on-site supply approved by the Local Government in consultation with the WA Department of Health.</li> <li>(b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock.</li> </ol> </li> <li>5. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 1996.</li> <li>6. The seating for a Restaurant/Reception Centre building shall not exceed 200 persons, including the provision for alfresco dining.</li> <li>7. The Restaurant/Reception Centre building shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</li> <li>8. Carparking associated with a Restaurant/Reception Centre use shall be calculated at 1 bay for every 4 seats, with an Eating House use to be calculated at 1 bay for every 3 square metres of public area.</li> </ol>

No.	Description of land	Additional use	Conditions
			<p>9. All carparking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the Local Government's specifications.</p> <p>10. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the Local Government.</p> <p>11. All stormwater resulting from impervious surfaces and buildings shall be retained on the site. Stormwater shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>12. A Landscaping Plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the Local Government.</p> <p>13. Vegetation buffers shall be established on the property where, in the opinion of the Local Government, a potential conflict issue may arise with an adjoining land use.</p> <p>14. The specific siting of buildings on the property shall be determined by the Local Government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>15. Management of the property (including all development/uses) shall be provided and maintained on site, unless otherwise determined by the Local Government.</p> <p>16. Prior to the commencement of development of an Additional Use permitted within this Zone, the developer shall provide and implement a fire management plan to the satisfaction of the Fire and Emergency Services Authority of Western Australia and the Local Government. The fire management plan shall address—</p> <ul style="list-style-type: none"> <li>(i) water supplies for fire fighting;</li> <li>(ii) egress for residents and access for fire fighting units;</li> <li>(iii) strategic and alternative fire breaks;</li> <li>(iv) location of building envelopes; and</li> <li>(v) adequacy of fire fighting equipment.</li> </ul> <p>The fire management plan is to be prepared in accordance with the document "Planning for Bush Fire Protection".</p>
<p><b>A3</b> shown on Scheme Map 9/14 as A3</p>	<p>Lot 12 of Victoria Location 2248 Baston Close, Nanson</p>	<p>Holiday Accommodation/ Chalets</p>	<p>1. All development is to generally be in accordance with the approved Structure Plan, unless otherwise determined by the Local Government.</p> <p>2. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the Local Government.</p> <p>3. The use of zincalume and/or coloured roof and wall materials, which in the opinion of the Local Government prejudices the landscape amenity of the surrounding landform, is not permitted.</p>

No.	Description of land	Additional use	Conditions
			<p>4. All habitable buildings shall be serviced by—</p> <p>(a) A potable water supply with a minimum storage capacity of 92,000 litres sourced from rain water catchment or an alternative on-site supply approved by the Local Government in consultation with the WA Department of Health.</p> <p>(b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock.</p> <p>5. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 1996.</p> <p>6. At least 1 chalet building shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</p> <p>7. Car parking shall to be calculated at a minimum of 1 bay for every 2 bedrooms of accommodation provided (based on 2 persons per bedroom).</p> <p>8. All car parking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the Local Government's specifications.</p> <p>9. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the Local Government.</p> <p>10. All stormwater resulting from impervious surfaces and buildings shall be retained on the site. Stormwater shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>11. A Landscaping Plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the Local Government.</p> <p>12. Vegetation buffers shall be established on the property where, in the opinion of the Local Government, a potential conflict issue may arise with an adjoining land use.</p> <p>13. The specific siting of buildings on the property shall be determined by the Local Government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>14. Access to and management of the property (including all development/uses) may be provided and maintained on the adjoining Lot 20, whilst both properties exist under the same ownership/tenure. However, should a change in ownership/tenure occur, access to Lot 12 shall be taken from Baston Close, with management being provided and maintained onsite, unless otherwise determined by the Local Government.</p>

No.	Description of land	Additional use	Conditions
			<p>15. Prior to the commencement of development of an Additional Use permitted within this Zone, the developer shall provide and implement a fire management plan to the satisfaction of the Fire and Emergency Services Authority of Western Australia and the Local Government. The fire management plan shall address—</p> <ul style="list-style-type: none"> <li>(i) water supplies for fire fighting;</li> <li>(ii) egress for residents and access for fire fighting units;</li> <li>(iii) strategic and alternative fire breaks;</li> <li>(iv) location of building envelopes; and</li> <li>(v) adequacy of fire fighting equipment.</li> </ul> <p>The fire management plan is to be prepared in accordance with the document “Planning for Bush Fire Protection”.</p>
<p><b>A4</b> shown on Scheme Maps 9/14 and 13/14 as A4</p>	<p>Lot 2 Chapman Valley Road, Yetna</p>	<p>Eating House Restaurant Reception Centre Gift Shop</p>	<ol style="list-style-type: none"> <li>1. All development is to generally be in accordance with the approved Structure Plan, unless otherwise determined by the Local Government.</li> <li>2. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the Local Government.</li> <li>3. All habitable buildings (including an Eating House, Restaurant, Reception Centre, and Shop Building) shall be serviced by— <ul style="list-style-type: none"> <li>(a) A potable water supply with a minimum storage capacity of 100,000 litres sourced from rainwater catchments or an alternative on-site supply approved by the Local Government in consultation with the WA Department of Health.</li> <li>(b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock.</li> </ul> </li> <li>4. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 2004.</li> <li>5. The seating for an Eating House/Restaurant/Reception Centre building shall not exceed 100 persons, including the provision for alfresco dining.</li> <li>6. The additional use of a “Gift Shop” is limited to the sale of gifts, arts, craft and produce produced locally.</li> <li>7. Carparking associated with a Restaurant/Reception Centre use shall be calculated at 1 bay for every 4 seats, with an Eating House use to be calculated at 1 bay for every 3 square metres of public area.</li> <li>8. All car parking, maneuvering areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the Local Government’s specifications.</li> </ol>

No.	Description of land	Additional use	Conditions
			<p>9. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the Local Government.</p> <p>10. All storm water resulting from impervious surfaces and buildings shall be retained on the site. Storm water shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>11. A Landscaping Plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the Local Government.</p> <p>12. Vegetation buffers shall be established on the property where, in the opinion of the Local Government, a potential conflict issue may arise with an adjoining land use.</p> <p>13. The specific siting of buildings on the property shall be determined by the Local Government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>14. Management of the property (including all development/uses) shall be provided and maintained on site, unless otherwise determined by the Local Government.</p> <p>15. The crossover to Chapman Valley Road from Lot 2 shall be designed and constructed in accordance with Local Government/Main Roads WA standards.</p> <p>16. Prior to the commencement of development of an Additional Use permitted within this Zone, the developer may be required at the request of the Local Government to provide and implement a fire management plan to the satisfaction of the Fire and Emergency Services Authority of Western Australia and the Local Government. The fire management plan shall address—</p> <ul style="list-style-type: none"> <li>(i) water supplies for firefighting;</li> <li>(ii) egress for residents/patrons and access for firefighting units;</li> <li>(iii) strategic and alternative fire breaks;</li> <li>(iv) adequacy of firefighting equipment.</li> </ul> <p>The fire management plan is to be prepared in accordance with the document “Planning for Bush Fire Protection”.</p>
<p><b>A5</b> shown on Scheme Maps 9/14 and 10/14 as A5</p>	<p>Portion Lots 2071, 1158, 6984, 7458 and 7459 Nanson-Howatharra Road, Nanson</p>	<p>Camping Ground, Experiential Use, Reception Centre, Recreation—Private, Way-side Store.</p>	<p>1. All development is to generally be in accordance with the approved Structure Plan, unless otherwise determined by the Local Government.</p> <p>2. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the Local Government.</p> <p>3. The specific siting of buildings on the property shall be determined by the Local Government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p>

No.	Description of land	Additional use	Conditions
			<p>4. Vegetation buffers shall be established on the property where, in the opinion of the Local Government, a potential conflict issue may arise with an adjoining land use.</p> <p>5. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the Local Government.</p> <p>6. Prior to the commencement of development of an Additional Use permitted within this Zone, the developer must provide and implement a fire management plan to the requirements of the Local Government in consultation with the Department of Fire and Emergency Services. The fire management plan shall address—</p> <ul style="list-style-type: none"> <li>(i) water supplies for firefighting;</li> <li>(ii) egress for residents and visitors to the site, and access for firefighting units;</li> <li>(iii) strategic and alternative fire breaks; and</li> <li>(v) adequacy of firefighting equipment.</li> </ul> <p>The fire management plan is to be prepared in accordance with the document “Planning for Bush Fire Protection”.</p> <p>7. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines 2011.</p> <p>8. Ablution facilities must be provided to the requirements of the Local Government in consultation with the Department of Health.</p> <p>9. Waste facilities must be provided to the requirements of the Local Government in consultation with the Department of Health.</p> <p>10. Areas associated with food must comply with the requirements of the Local Government in consultation with the Department of Health, inclusive of the requirements of the <i>Health Act 1911</i> and <i>Food Regulations 2009</i>.</p> <p>11. All carparking, manoeuvring areas and access driveways associated with the development must be constructed and maintained to the requirements of the Local Government.</p> <p>12. Additional to any requirements pertaining to development approval the land use must comply with all relevant requirements of the <i>Caravan Parks and Camping Grounds Regulations 1997</i>, <i>Liquor Control Act 1988</i>, <i>Liquor Control Regulations 1988</i> and the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>

SCHEDULE 3  
RESTRICTED USE SITES

[cl. 4.6]

No.	Description of Land	Restricted use	Conditions
<p><b>R1</b> shown on Scheme Map 12/14 as R1</p>	<p>Lot 9003 Hester Place White Peak</p>	<p>ancillary accommodation, bed and breakfast, camp ground, caravan park, carpark, holiday accommodation, home business, home office, home occupation, lodging house/guest house, motel, park home park, reception centre, restaurant, shop, single house.</p>	<p>1. Notwithstanding the level of permissibility afforded to the “Development” Zone this site shall be developed for Tourist related purposes/uses based on a residential density of no greater than R25.</p> <p>2. Prior to development occurring on site, The Local Government shall require the preparation of a suitable Outline Development Plan depicting the proposed land uses and any other information considered necessary to support the Plan. The Outline Development Plan shall be referred to the Department of Environment and Conservation for a period of 21 days prior to The Local Government considering endorsing the Plan.</p> <p>3. Development shall be generally in accordance with the Outline Development Plan as endorsed by The Local Government and comply with Scheme provisions.</p> <p>4. Prior to development occurring on the site, and in addition to the Outline Development Plan, the proponent shall submit a wastewater treatment and disposal plan demonstrating site suitability for on-site wastewater disposal. This plan, along with the Outline Development Plan, shall be to the satisfaction of the Health Department of Western Australia and the Local Government, prior to any development approval being issued.</p>
<p><b>R2</b> shown on Scheme Map 14/14 as R2</p>	<p>Lot 20, Location 17, Chapman Valley Road, Waggrakine</p>	<p>holiday accommodation, reception centre, restaurant, winery</p>	<p>1. All development is to generally be in accordance with the approved Outline Development Plan (ODP), unless otherwise determined by The Local Government.</p> <p>2. All buildings shall be sympathetic in design and construction, and complementary in colour and materials to the existing landform and landscape elements, to the satisfaction of the Local Government.</p> <p>3. The use of zincalume and/or coloured roof and wall materials, which in the opinion of The Local Government prejudices the landscape amenity of the surrounding landform, is not permitted.</p> <p>4. All habitable buildings (including a Restaurant or Reception Centre Building) shall be serviced by—</p> <ul style="list-style-type: none"> <li>(a) A potable water supply with a minimum storage capacity of 92,000 litres sourced from rainwater catchment or an alternative on-site supply approved by The Local Government in consultation with the WA Department of Health.</li> <li>(b) An approved on-site effluent disposal system set back a minimum distance of 100 metres from any water course or wetland area and a minimum of 30 metres from any bore, well or dam, with a minimum of 2 metres vertical separation from the base of the apparatus and the highest known ground water level or bedrock.</li> </ul>

No.	Description of Land	Restricted use	Conditions
			<p>5. All supply of potable water shall comply with the drinking water standards for public buildings as prescribed under the Australian Drinking Water Guidelines [NHMRC] 1996.</p> <p>6. A minimum roof area for the Restaurant/Reception Centre shall be 230 square metres, and for the Holiday and Tourist Accommodation and chalets of 100 square metres.</p> <p>7. The seating for a Restaurant/Reception Centre building shall not exceed 100 persons, including the provision for alfresco dining.</p> <p>8. The Restaurant/Reception Centre building shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</p> <p>9. At least 1 chalet building shall include disabled access and ablution facilities in accordance with the standards prescribed in the Building Code of Australia.</p> <p>10. Carparking associated with a Restaurant/Reception Centre use shall be calculated at 1 bay for every 4 seats.</p> <p>11. Car parking for each chalet unit shall to be calculated at a minimum of 1 bay for every 2 bedrooms of accommodation provided (based on 2 persons per bedroom).</p> <p>12. All carparking, manoeuvring areas and access driveways shall be constructed, as a minimum, to compacted gravel, drained and delineated standard to the Local Government's specifications.</p> <p>13. The clearing of remnant vegetation on the property other than for fire management and/or driveway access purposes is not permitted, unless otherwise determined by the Local Government.</p> <p>14. All stormwater resulting from impervious surfaces and buildings shall be retained on the site. Stormwater shall not be disposed of into natural drainage lines resulting in erosion or cause environmental harm (contamination).</p> <p>15. A Landscaping Plan shall be submitted as part of a development application clearly showing the planting of native trees and shrubs around all proposed buildings on the property, to the satisfaction of the established on the property where, in the opinion of the Local Government, a potential conflict issue may arise with an adjoining land use.</p> <p>16. The specific siting of buildings on the property shall be determined by the Local Government at the development application stage taking into account visual amenity, conflict issues between neighbouring uses, vehicular access, provision of adequate servicing, and removal of vegetation and extent of site works involved.</p> <p>17. Management of the property (including all development/uses) shall be provided and maintained on site, unless otherwise determined by the Local Government. The crossover to Chapman Valley Road from Lot 20 shall be designed and constructed in accordance with Local Government/Main Roads WA standards.</p>

SCHEDULE 4  
SPECIAL USE ZONES

[cl. 4.7.1]

No.	Description of land	Special use	Conditions
There are no special use zones within the Scheme			

SCHEDULE 5  
EXEMPTED ADVERTISEMENTS

[cl. 8.2 (f)]

Land Use and/or Development Requiring Advertising	Exempted Sign (all non-illuminated and within the property boundaries unless otherwise stated)	Maximum Area of Sign
Dwellings	One professional name-plate as appropriate	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Cottage Industry	One advertisement describing the nature of the cottage industry.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of any Policy or Local Law adopted by The Local Government	Not applicable

Land Use and/or Development Requiring Advertising	Exempted Sign (all non-illuminated and within the property boundaries unless otherwise stated)	Maximum Area of Sign
	from time to time to control advertisements.	
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building. A maximum of 2 free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m <sup>2</sup>  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup> .
Showroom, Race Courses, Major Racing Tracks, Sports Stadium, Major Sporting Grounds and Complexes.	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned, either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or The Local Government or a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of the Local Government; government department; or public authority; and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	Not Applicable  Not applicable  Not applicable
Railway Property and Reserve	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station	No sign shall exceed 2m <sup>2</sup> area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not applicable.
All Classes of Buildings other than Single Family Dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

Land Use and/or Development Requiring Advertising	Exempted Sign (all non-illuminated and within the property boundaries unless otherwise stated)	Maximum Area of Sign
<p>Building Construction Sites Advertisement signs displayed only for the duration of the construction as follows—</p> <p>(1) Dwellings</p> <p>(2) Multiple Dwellings, Shops, Commercial and Industrial Projects</p> <p>(3) Large developments or re-development involving Shopping Centres, Office or Other Buildings exceeding 3 storeys in height</p> <p>Sales of Goods or Livestock</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign for each dwelling on display.</p> <p>One sign for each group of buildings displaying details of the project building company/companies and details of the range of buildings on display.</p> <p>One sign displaying details of the project, the Architect, the building company or companies, details of the building on display and contact details relating to queries in respect of the project.</p> <p>One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.</p>	<p>2m<sup>2</sup></p> <p>5m<sup>2</sup></p> <p>10m<sup>2</sup></p> <p>10m<sup>2</sup></p> <p>2m<sup>2</sup></p>
<p>Property Transaction. Advertisement signs displayed for the duration of a period over which property transaction are offered and negotiated as follows—</p> <p>(a) Dwellings</p> <p>(b) Multiple Dwellings, Shops, Commercial and Industrial Properties</p> <p>(c) Large properties comprised of Shopping Centres, buildings in excess of 4 storeys and rural properties in excess of 5 ha.</p>	<p>One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above.</p>	<p>Each sign shall not exceed an area of 2m<sup>2</sup></p> <p>Each sign shall not exceed an area of 5m<sup>2</sup></p> <p>Each sign shall not exceed an area of 10m<sup>2</sup></p>
<p>Display Home. Advertisement signs displayed for the period over which homes are on display for public inspection.</p>	<p>(1) One sign for each dwelling on display.</p> <p>(2) In addition to (1) above 1 sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.</p>	<p>2m<sup>2</sup></p> <p>5m<sup>2</sup></p>

SCHEDULE 6  
FORM OF APPLICATION FOR PLANNING APPROVAL

[cl. 9.1.1]

Owner Details		
Name:		
Address:		Postcode:
Phone: (work):(home): (mobile):	Fax:	E-mail:
Contact person:		
Signature:		Date:
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		

Application Details		
Name:		
Address:		Postcode:
Phone: (work): (home): (mobile):	Fax:	E-mail:
Contact Person for Correspondence:		
Signature:		Date:

Property Details		
Lot No:	House/Street No:	Location No:
Diagram or Plan No:	Certificate of Title Vol. No:	Folio
Diagram or Plan No:	Certificate of Title Vol. No:	Folio
Title Encumbrances (e.g. easements, restrictive covenants):		
Street Name:		Suburb:
Nearest Street Intersection:		

Existing Building/Land Use:
Description of Proposed Development and/or Use:
Nature of any Existing Buildings and/or Use:
Approximate Cost of Proposed Development:
Estimated Time of Completion:

OFFICE USE ONLY

Acceptance Officer's Initials:  
Local Government Reference No.:

Date Received:

*(The content of the form of application must conform to Schedule 6 but minor variations may be permitted to the format).*

SCHEDULE 7  
**ADDITIONAL INFORMATION FOR ADVERTISEMENTS**

[cl. 9.1.2]

*Note: to be completed in addition to the Application for Planning Approval Form*

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1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property:

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2. Details of proposed sign—

(a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other): \_\_\_\_\_

(b) Height: \_\_\_\_\_ Width: \_\_\_\_\_ Depth: \_\_\_\_\_

(c) Colours to be used: \_\_\_\_\_

(d) Height above ground level—

➤ (to top of advertisement): \_\_\_\_\_

➤ (to underside): \_\_\_\_\_

(e) Materials to be used: \_\_\_\_\_

Illuminated: Yes/No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

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3. Period of time for which advertisement is required:

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4. Details of signs (if any) to be removed if this application is approved: \_\_\_\_\_

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 4 above.

Signature of advertiser(s): \_\_\_\_\_

(if different from land owners) \_\_\_\_\_

Date: \_\_\_\_\_

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SCHEDULE 8  
**NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

[cl. 9.4.4]

*Planning and Development Act 2005*

Shire of Chapman Valley

Notice of public advertisement of planning proposal

The Local Government has received an application to use and/or develop land for the following purpose and public comments are invited.

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Lot No:

Street:

Suburb:

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Proposal: \_\_\_\_\_

---

Details of the proposal are available for inspection at the Local Government office. Comments on the proposal may be submitted to the Local Government in writing on or before \_\_\_\_\_ day of \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

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For and on behalf of the Shire of Chapman Valley.

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SCHEDULE 9  
**NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL**

[cl. 10.4.1]

*Planning and Development Act 2005*  
 Shire of Chapman Valley  
 Determination on application for planning approval

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Location:	
Lot:	Plan/Diagram:
Vol. No.:	Folio No.:
Application Date:	Received on:
Description of proposed development:	

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The application for planning approval is—

- € Granted subject to the following conditions:
- € Refused for the following reason(s):

Condition/reasons for refusal:

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- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Local Government having first been sought and obtained.
- Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the *Planning and Development Act 2005*. An appeal must be lodged within 60 days of the determination.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

For and on behalf of the Shire of Chapman Valley.

(The content of the determination notice must conform to Schedule 9 but minor variations may be permitted to the format.)

SCHEDULE 10  
ENVIRONMENTAL CONDITIONS

[cl. 5.6.1]

Scheme or amendment number	Gazettal date	Environmental conditions
Scheme No. 2		<ol style="list-style-type: none"> <li>1. Development within the Buller “Development” zone in relation to the conservation areas shall be generally in accordance with concept 2A as outlined in the <i>Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study</i>.</li> <li>2. Any future structure plan shall identify future local scheme reserves for the purpose of conservation as outlined in concept 2A within the <i>Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study</i>.</li> <li>3. Any future structure plan shall identify R5-Low Density (minimum lot size 2000m<sup>2</sup>) residential areas as outlined in areas X and Y as depicted in Figure 1 of Minister for Environment Statement No. 937 published on 6 June 2013.</li> <li>4. Any future structure plan shall identify the areas of <i>Frankenia pauciflora</i> community on Lots 7 and 9 these areas would be subject to detailed area plans as outlined in the Western Australian Planning Commission’s <i>Liveable Neighbourhoods</i> policy to address public open space, vegetation protection, future fences, building envelopes and setback of any future lots.</li> </ol>

SCHEDULE 11

RURAL RESIDENTIAL ZONES—ADDITIONAL REQUIREMENTS AND MODIFICATIONS

[cl. 5.19.1(c)]

No.	Description of Land	Conditions
RR1	Waggrakine/ White Peak shown on Scheme Map 12/14 as RR1	<ol style="list-style-type: none"> <li>1. Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.</li> <li>2. All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope.</li> <li>3. For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in Clause (2) above.</li> <li>4. All buildings constructed on the land shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.</li> <li>5. All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.</li> </ol>

No.	Description of Land	Conditions
		<p>6. With the objective of maintaining sustainable land use practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the local government following consultation with the Department of Agriculture and Food, with conditions if appropriate—</p> <ul style="list-style-type: none"> <li>5 sheep/1ha of agistment area</li> <li>1 horse/2ha of agistment area</li> <li>1.6 pony/2ha of agistment area</li> <li>1 milking cow/2ha of agistment area</li> <li>1.6 heifer/2ha of agistment area</li> <li>5 goats/1ha of agistment area</li> </ul> <p>Only 1 stock option as specified above will be permitted or a combination equivalent of 1 option.</p> <p>7. Notwithstanding the above, the Local Government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause (6) above.</p> <p>8. No remnant vegetation or tree shall be destroyed or removed except where the landowner obtains the prior consent in writing of the Local Government, or where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, development within a building envelope and access to the envelope, for an outbuilding or fence or for development of a water source.</p> <p>9. The following fencing requirements shall apply—</p> <ul style="list-style-type: none"> <li>(a) The minimum standard of fencing shall be 7-line ringlock with single strand wire on top, with pine posts at 6-metre separation;</li> <li>(b) The subdivider shall construct perimeter boundary fencing to the minimum standard at each stage of subdivision.</li> <li>(c) The developer shall fence all bridle trails to the minimum standard as the bridle trails are developed at each progressive stage of subdivision.</li> <li>(d) Prior to final approval of subdivision of the land, the watercourse and all remnant vegetation (excluding areas for fire control, driveway access and servicing) shall be protected from livestock by means of fencing to an appropriate standard as prescribed by the local government.</li> <li>(e) All other fencing shall be constructed by individual landowners to the minimum standard, prior to the issue of a Building Licence.</li> </ul> <p>10. Prior to the commencement of any development on any new lot, the Local Government will require each lot owner to prepare a tree planting and maintenance program with the intention of screening building structures and rehabilitating and revegetating the land without restricting approved activities/operations.</p> <p>11. Construction of a dam or soak or land use activity that may impede in any way the natural flow along any water course shall be subject to formal planning consent being granted by the local government, following consultation with the Department of Water.</p> <p>12. No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans, and is in a location, to the satisfaction of the local government in consultation with the Health Department of WA.</p> <p>13. At the time of subdivision the preparation of a fire protection plan may need to be established in consultation with and to the satisfaction of the Local Government and FESA.</p>

No.	Description of Land	Conditions
		<p>14. The Local Government shall recommend to the Western Australian Planning Commission that as part of any approval to subdivide the land that an Urban Water Management Plan and Watercourse Management Plan shall be prepared and implemented to the satisfaction of the Local Government and the Department of Water by the subdivider at the subdivider's cost.</p> <p>15. Bridle trails depicted on the Structure Plan will be constructed by the subdivider at the time of subdivision to the specification and satisfaction of the Local Government.</p> <p>16. Stables are to be sited no closer than 50 metres from any watercourse or land prone to inundation or waterlogging, and are to be at least 1.2 metres above the highest known groundwater level.</p> <p>17. All lots created shall be connected to a reticulated water supply.</p> <p>18. The creation of lots adjoining the future North West Coastal Highway alignment will not be permitted without a trafficable alternative access being provided to the subject land, and direct access onto the highway alignment will not be permitted.</p>
<b>RR2</b>	Waggrakine/ Moresby shown on Scheme Map 14/14 as RR2	<p>1. Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.</p> <p>2. All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope.</p> <p>3. All buildings constructed on the land shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.</p> <p>4. All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.</p> <p>5. With the objective of maintaining sustainable land use practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the local government following consultation with the Department of Agriculture and Food, with conditions if appropriate—</p> <ul style="list-style-type: none"> <li>5 sheep/1ha of agistment area</li> <li>1 horse/2ha of agistment area</li> <li>1.6 pony/2ha of agistment area</li> <li>1 milking cow/2ha of agistment area</li> <li>1.6 heifer/2ha of agistment area</li> <li>5 goats/1ha of agistment area</li> </ul> <p>Only 1 stock option as specified above will be permitted or a combination equivalent of 1 option.</p> <p>6. Notwithstanding the above, the Local Government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause (5) above.</p> <p>7. No remnant vegetation or tree shall be destroyed or removed except where the landowner obtains the prior consent in writing of the Local Government, or where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, development within a building envelope and access to the envelope, for an outbuilding or fence or for development of a water source.</p> <p>8. Prior to the commencement of any development on any new lot, the Local Government will require each lot owner to prepare a tree planting and maintenance program with the intention of screening building structures and rehabilitating and revegetating the land without restricting approved activities/operations.</p>

No.	Description of Land	Conditions
		<p>9. Construction of a dam or soak or land use activity that may impede in any way the natural flow along any water course shall be subject to formal planning consent being granted by the local government, following consultation with the Department of Water.</p> <p>10. No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans, and is in a location, to the satisfaction of the local government in consultation with the Health Department of WA.</p> <p>11. At the time of subdivision the preparation of a fire protection plan may need to be established in consultation with and to the satisfaction of the Local Government and FESA.</p> <p>12. The Local Government shall recommend to the Western Australian Planning Commission that as part of any approval to subdivide the land that an Urban Water Management Plan and Watercourse Management Plan shall be prepared and implemented to the satisfaction of the Local Government and the Department of Water by the subdivider at the subdivider's cost.</p> <p>13. At subdivision, the development setback from either side of any creek line is to be confirmed in conjunction with the Department of Water.</p> <p>14. No building shall be erected above the 140-metre A.H.D. contour.</p> <p>15. (a) At the time of subdivision suitable arrangements are to be made with the Water Corporation for the adequate provision of a reticulated water supply to service lots above the RL 112 AD line. This shall include the transfer of freehold land (free of cost) and any infrastructure works (at the subdividers expense) as indicated on the Structure Plan.</p> <p>(b) In regards to the proposed water tank site, an over head tank erected on a stand is not permitted.</p> <p>(c) The infrastructure (tank and associated buildings/infrastructure) shall be of a colour complementary to the existing landform and landscape elements, to the satisfaction of the local government. Zincalume or a galvanised corrugated iron finish or similar is not permitted;</p> <p>(d) The Water Corporation or Developer will be required at the time of installing a water storage tank to submit a landscaping plan for screening purposes to be endorsed by the local government, with this plan to be implemented within 12 months from the date of approval unless otherwise approved by the Local Government.</p> <p>16. At the time of subdivision the site that includes the historic Coffee Pot and Waggrakine Well as shown on the Structure Plan shall be set aside as the Public Open Space to be transferred to the local authority.</p> <p>17. The subdivider is to contribute to the upgrade and maintenance of the historic Coffee Pot and Waggrakine Well at the time of subdivision.</p> <p>18. The creation of lots adjoining Chapman Valley Road will not be permitted without a trafficable alternative access being provided to the subject land, and direct access onto Chapman Valley Road will not be permitted.</p>

SCHEDULE 12  
RURAL SMALLHOLDING ZONES—ADDITIONAL REQUIREMENTS AND MODIFICATIONS

[cl. 5.19.1(c)]

No.	Description of Land	Conditions
RS1	Howatharra/ Nabawa/ Nanson/ Yetna shown on Scheme Maps 6/14, 8/14, 9/14 and 10/14 as RS1	<p>1. Subdivision Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.</p> <p>2. Building All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Smallholding Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope.</p> <p>3. Applications for Planning Consent In addition to the requirements of Part 9 of the Scheme all applications for planning consent are required to be accompanied by relevant plans and information that—</p> <ul style="list-style-type: none"> <li>(a) propose appropriate land management techniques to the satisfaction of the responsible authority to make good areas of degradation identified as such;</li> <li>(b) delineate areas of significant remnant vegetation, surface water and other water bodies and significant topographical features;</li> <li>(c) delineate areas of stock grazing and proposed stock numbers;</li> <li>(d) delineate the proposed location of building envelopes;</li> <li>(e) delineate the location of existing and proposed effluent disposal systems;</li> <li>(f) delineate location of existing tracks and fences and proposed location of fences and driveways; and</li> <li>(g) describe materials and colour of external cladding of all proposed buildings.</li> </ul> <p>4. Land use—</p> <ul style="list-style-type: none"> <li>(a) When considering applications for development approval (planning consent), the local authority may refer the application to the Department of Environment and Conservation, the Department of Agriculture and Food, the Department of Water and any other responsible authority and relevant Government agency for comment and approval where appropriate;</li> <li>(b) Piggeries, feedlots, poultry farms and extractive industry are prohibited; and</li> <li>(c) The subdividing owner of the land shall make arrangements satisfactory to the local authority to ensure that prospective purchasers are advised that preliminary advice should be sought from the Department of Agriculture and Food regarding the establishment within the subject land any proposed use that falls under the use class “intensive agriculture” as defined in Schedule 1.</li> </ul> <p>5. Stocking Rates—</p> <ul style="list-style-type: none"> <li>(a) With the objective of maintaining sustainable landuse practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the Local Government following consultation with the Department of Agriculture and Food, with conditions if appropriate— <ul style="list-style-type: none"> <li>2.5 dry sheep equivalent/1 hectare</li> <li>1 horse/2 hectares</li> <li>1 pony/1.6 hectares</li> <li>1 milking cow/4 hectares</li> </ul> </li> </ul>

No.	Description of Land	Conditions
		<p>1 heifer/1.6 hectares  1 dairy goat/0.5 hectares  5 cashmere goats/1 hectare  1 deer/0.3 hectares</p> <p>Only 1 stock option will be permitted or a combination equivalent to 1 option is permitted.</p> <p>(b) Notwithstanding the above, the Local Government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause 5(a) above.</p> <p>6. Water Resources—</p> <p>(a) Where scheme water supply is unavailable a minimum 92,000L rainwater storage facility for each residence or evidence from the proponent which is satisfactory to the local authority than an adequate on-site potable water source exists shall be provided;</p> <p>(b) A licence from the Department of Water is required to draw groundwater from a well, bore, dam or any naturally occurring surface water body or watercourse;</p> <p>(c) Where the area has not been surveyed for hydrological resources, the prior advice of the Department of Water should be sought regarding the provision of a water supply for any proposed “intensive agriculture” use and development;</p> <p>(d) All storm water from structures or paved surfaces is to be contained within each lot;</p> <p>(e) No development or land use activity shall impede in any way the natural water flow along any creek line or water course;</p> <p>7. Clearing of Land  No removal of any remnant native vegetation (including any tree) is permitted without the prior approval of the local authority outside the building envelope;</p> <p>8. Location, siting and appearance of buildings—</p> <p>(a) All residential and ancillary buildings shall be located and constructed within an approved building envelope for each proposed lot;</p> <p>(b) Notwithstanding (a) above, where by reason of the nature of material to be stored in a building it is considered that it would be undesirable that the buildings be clustered, the buildings may be separated by such distance as determined by the local authority;</p> <p>(c) No building shall be constructed in such a manner or of such materials that it would in the opinion of the local authority, have a detrimental impact on the local amenity.</p> <p>9. Effluent Disposal—</p> <p>(a) No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans, and is in a location, to the satisfaction of the local government in consultation with the Health Department of WA.</p> <p>(b) In considering applications for planning consent the Local Government shall ensure that the development proposed will not result in any net export of nutrients from the land to any wetland, watercourse or underground aquifer.</p> <p>10. Fencing  Prior to any stocking of land, all areas of remnant native vegetation, including vegetation along streamlines, shall be fenced with stock proof fencing to the specification and satisfaction of the local authority. All fences are to be maintained in a stock proof condition by the landowner to the satisfaction of the local authority.</p>

No.	Description of Land	Conditions
		<p>11. Landscaping—</p> <ul style="list-style-type: none"> <li>(a) All buildings and structures within any lot shall be suitably screened to the satisfaction of the local authority;</li> <li>(b) Prior to the commencement of any development on any lot, the local authority will require the preparation of a tree planting and maintenance program with the intent of rehabilitating and revegetating any areas of degraded land so identified but without restricting the operation of approved rural activities.</li> </ul> <p>13. Fire Management</p> <p>At the time of subdivision the following fire management controls will be imposed—</p> <ul style="list-style-type: none"> <li>(a) A strategic fire break for each lot will be installed in a manner acceptable to the local authority in consultation with FESA.</li> <li>(b) Provision of a suitable permanent water supply for fire-fighting purposes to be established in consultation with the local authority and FESA.</li> </ul> <p>12. Advice to purchasers of lots</p> <p>As a condition of any subdivision approval granted, the subdividing owner of the land is to advise, to the specifications and requirements of the Local Government, prospective purchasers of any lot created within this location of all of the provisions contained herein.</p>
<b>RS2</b>	Narra Tarra/Yetna shown on Scheme Maps 9/14 and 13/14 as RS2	<p>1. Subdivision—</p> <ul style="list-style-type: none"> <li>(a) Subdivision, development and land use shall generally be in accordance with the Structure Plan as adopted by the Local Government and endorsed by the Western Australian Planning Commission.</li> <li>(b) The minimum lot size shall be 20 hectares</li> </ul> <p>2. Building—</p> <ul style="list-style-type: none"> <li>(a) Buildings shall be confined to the building envelope as identified on the Structure Plan.</li> <li>(b) All buildings shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours</li> <li>(c) All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.</li> <li>(d) All building development shall accord with the Local Government's Rural Bushfire Policy and FESA requirements.</li> <li>(e) All property boundaries for new lots shall be fenced to a minimum standard of 6 strand ring lock in a uniform manner.</li> </ul> <p>3. Stock Control—</p> <ul style="list-style-type: none"> <li>(a) The keeping of animals (other than domestic pets) shall accord with the maximum stocking rates as prescribed by the Department of Agriculture and Food.</li> <li>(b) Application for approval to increase the stocking rate above the minimum prescribed is to be submitted to and determined by the local government. The Local Government in determining an application for an increase in the stocking rate may consult with Department of Agriculture and Food and affected surrounding land owners on desirable rates and applicable pasture types.</li> <li>(c) Notwithstanding a) above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties.</li> </ul> <p>4. Vegetation Protection—</p> <ul style="list-style-type: none"> <li>(a) Prior to subdivision, all remnant vegetation (excluding areas for fire control, driveway access and servicing) shall be protected from livestock by means of fencing to an appropriate standard as prescribed by the local government.</li> <li>(b) Remnant vegetation is not to be cleared outside the building envelopes.</li> </ul>

No.	Description of Land	Conditions
		<p>5. Servicing—</p> <ul style="list-style-type: none"> <li>(a) No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of the local government in consultation with the Health Department of WA.</li> <li>(b) The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider provide fire fighting facilities (or a financial contribution in-lieu of) in accordance with the local government's Rural Bushfire Policy requirements.</li> <li>(c) The Local Government or Main Roads WA may request the WA Planning Commission impose a condition at the time of subdivision that requires the subdivider construct and/or upgrade any roads required to provide adequate vehicular access to the proposed lots, including the immediate local road network.</li> <li>(d) Construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300 square metres from all building/s and a rain water storage tank of at least 100,000 litres to sustain a potable water supply for domestic and fire fighting use in accordance with the local government's Rural Bushfire Policy requirements.</li> <li>(e) The local government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.</li> <li>(f) No vehicle access is permitted onto or from Chapman Valley Road and Morrell Road.</li> </ul> <p>6. Land Use—</p> <ul style="list-style-type: none"> <li>(a) Landowners shall not proceed with any form of development or change in land use without having first obtained planning consent from the local government.</li> <li>(b) Vehicle and pedestrian crossings over watercourses shall be designed and constructed to minimise impact on their natural form and function.</li> <li>(c) Construction of a dam or soak on the property shall be subject to formal planning consent being granted by the local government.</li> <li>(d) Dams constructed upon the property shall have provision to bypass summer flows in the watercourse to downstream users.</li> </ul> <p>7. Advice To Purchasers</p> <p>The local government may request that the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider to ensure that prospective purchasers and successors in title are advised of—</p> <ul style="list-style-type: none"> <li>(a) The local planning scheme provisions which relate to the use and management of the land;</li> <li>(b) The constraints associated with the use of ground and surface water for intensive agricultural pursuits, and the need to liaise with the Department of Water regarding ground water licensing requirements for commercial use.</li> <li>(c) The recommendations detailed in any Aboriginal Heritage Survey that may have been prepared as a requirement of the rezoning process.</li> </ul>
RS3	White Peak shown on Scheme Maps 11/14, 12/14 and 13/14 as RS3	<p>1. Subdivision—</p> <ul style="list-style-type: none"> <li>(a) Subdivision, development and land use shall generally be in accordance with the Structure Plan as adopted by the Local Government and endorsed by the Western Australian Planning Commission.</li> </ul> <p>2. Building—</p> <ul style="list-style-type: none"> <li>(a) Buildings shall be confined to the building envelope where identified on the Structure Plan, unless the Local Government is satisfied that it would be undesirable that buildings be clustered in which case it may allow buildings to be separated by such distances as determined by the Local Government.</li> </ul>

No.	Description of Land	Conditions
		<p>(b) All buildings shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours</p> <p>(c) All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.</p> <p>(d) All building development shall accord with the Local Government's Rural Bushfire Policy and FESA requirements.</p> <p>(e) All property boundaries for new lots shall be fenced to a minimum standard of 6 strand ring lock in a uniform manner.</p> <p>3. Stocking Rates—</p> <p>(a) With the objective of maintaining sustainable landuse practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the Local Government following consultation with the Department of Agriculture and Food, with conditions if appropriate—</p> <p style="padding-left: 40px;">5 dry sheep/1 hectare</p> <p style="padding-left: 40px;">1 horse/2 hectare</p> <p style="padding-left: 40px;">1.6 pony/2 hectare</p> <p style="padding-left: 40px;">1 milking cow/2 hectares</p> <p style="padding-left: 40px;">1.6 heifer/2 hectares</p> <p style="padding-left: 40px;">5 goats/1 hectare</p> <p>Only 1 stock option will be permitted or a combination equivalent to 1 option is permitted.</p> <p>(b) Notwithstanding the above, the Local Government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause 3(b) above.</p> <p>4. Remnant Vegetation—</p> <p>(a) No remnant native vegetation or tree shall be destroyed or removed except where the landowner obtains the prior consent in writing of the Local Government, and where such vegetation is dead or diseased, or where the clearing is required for the purpose of a firebreak, development within a building envelope and access to the envelope, for an outbuilding or fence or for development of a water source.</p> <p>(b) All trees and remnant vegetation shall be protected from grazing by stock, and the Local Government may require fencing to ensure protection is maintained.</p> <p>5. Landscaping</p> <p>Prior to the commencement of any development on any lot, the Local Government will require the preparation of a tree planting and maintenance program with the intention of screening building structures and rehabilitating and revegetating the land without restricting approved activities/operations.</p> <p>6. Land Use—</p> <p>(a) Landowners shall not proceed with any form of development or change in land use without having first obtained planning consent from the local government.</p> <p>(b) Vehicle and pedestrian crossings over watercourses shall be designed and constructed to minimise impact on their natural form and function.</p> <p>(c) Construction of a dam or soak on the property shall be subject to formal planning consent being granted by the local government.</p> <p>(d) Dams constructed upon the property shall have provision to bypass summer flows in the watercourse to downstream users.</p>

No.	Description of Land	Conditions
		<p>7. Servicing—</p> <ul style="list-style-type: none"> <li>(a) No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of the local government in consultation with the Health Department of WA.</li> <li>(b) The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider provide fire fighting facilities (or a financial contribution in-lieu of) in accordance with the local government's Rural Bushfire Policy requirements.</li> <li>(c) The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider construct and/or upgrade any roads required to provide adequate vehicular access to the proposed lots, including the immediate local road network.</li> <li>(d) Where scheme water supply is unavailable, construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300 square metres from all building/s and a rain water storage tank of at least 100,000 litres to sustain a potable water supply for domestic and fire fighting use in accordance with the local government's Rural Bushfire Policy requirements.</li> <li>(e) The local government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.</li> </ul>
RS4	Howatharra shown on Scheme Maps 8/14 as RS4	<p>1. Subdivision—</p> <ul style="list-style-type: none"> <li>(a) Subdivision, development and land use shall generally be in accordance with the Subdivision Guide Plan as adopted by the Local Government and endorsed by the Western Australian Planning Commission.</li> </ul> <p>2. Building—</p> <ul style="list-style-type: none"> <li>(a) Buildings shall be confined to the building envelopes as generally identified on the Subdivision Guide Plan. Variation/s to the proposed building envelopes may occur upon environmental reporting being undertaken to the satisfaction of the Local Government.</li> <li>(b) All buildings shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.</li> <li>(c) All stormwater and runoff from buildings and impervious surfaces shall be disposed of within each lot to the satisfaction of the Local Government.</li> <li>(d) All building development shall accord with the Local Government's Rural Bushfire Policy and FESA requirements.</li> </ul> <p>3. Stock Control—</p> <ul style="list-style-type: none"> <li>(a) The keeping of animals shall only take place upon areas identified upon the Subdivision Guide Plan.</li> <li>(b) The keeping of animals shall accord with the maximum stocking rates as prescribed by the Department of Agriculture and Food.</li> <li>(c) Application for approval to increase the stocking rate above the minimum prescribed is to be submitted to and determined by the Local Government. The Local Government in determining an application for an increase in the stocking rate may consult with the Department of Agriculture and Food and affected surrounding landowners on desirable rates and applicable pasture types.</li> <li>(d) Notwithstanding (b) above, the Local Government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties.</li> </ul>

No.	Description of Land	Conditions
		<p>4. Vegetation Protection—</p> <p>(a) A Restrictive Covenant is to be placed on the Title of each lot limiting the clearing of remnant vegetation to designated building envelopes, with the exception of fire control, driveway access and servicing.</p> <p>(b) Prior to the stocking of any areas identified upon the Subdivision Guide Plan as suitable for the keeping of animals, all remnant vegetation shall be protected from livestock by means of fencing to an appropriate standard to the approval of the local government.</p> <p>5. Servicing—</p> <p>(a) No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of the Local Government in consultation with the Health Department of WA.</p> <p>(b) The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider construct any roads required to provide adequate vehicular access to the proposed lots.</p> <p>(c) Construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300 square metres from all building/s and a rain water storage tank of at least 100,000 litres to sustain a potable water supply. Water for firefighting purposes may be surplus to this supply and should be in accordance with the Local Government's Rural Bushfire Policy requirements.</p> <p>(d) The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the Local Government and prospective purchasers of the land.</p> <p>(e) Construction of a dam or soak on the property shall be subject to formal planning consent being granted by the Local Government.</p> <p>6. Land Use—</p> <p>(a) Landowners shall not proceed with any form of development or change in land use without having obtained planning consent from the Local Government.</p> <p>7. Advice to Purchasers—</p> <p>(a) The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider to ensure that purchasers and successors in title are advised of—</p> <p>(i) The Local Planning Scheme provisions which relate to the use and management of the land; and</p> <p>(ii) The constraints associated with the use of ground and surface water for intensive agricultural pursuits, and the need to liaise with the Department of Water regarding ground water licensing requirements for commercial use.</p>

SCHEDULE 13  
DEVELOPMENT CONTRIBUTION AREAS

[cl. 6.5]

DCA No.	Description of land	Development Contribution Plan
DCA1	Buller "Development" zone shown on Scheme Map 12/14 as DCA1	Development Contribution Plan provisions will be set as part of the Buller Structure Plan and will constitute a Development Contribution Plan in accordance with clause 6.5 of the Scheme.

**ADOPTION**

Adopted by resolution of the Local Government of the Shire of Chapman Valley at the meeting of the Council held on the 15th day of August 2000, the 21st day of December 2004, and the 19th day of May 2010.

J. P. COLLINGWOOD, Shire President.

Date: 28 October 2013.

M. BATTILANA, Chief Executive Officer.

Date: 28 October 2013.

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**FINAL APPROVAL**

Adopted for final approval by resolution of the Local Government of the Shire of Chapman Valley at the meeting of the Council held on the 17th day of July 2013 and the common seal of the Municipality was pursuant to that Resolution hereto affixed in the presence of—

J. P. COLLINGWOOD, Shire President.

Date: 28th October 2013.

M. BATTILANA, Chief Executive Officer.

Date: 28th October 2013.

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Submitted and recommended for final approval by the Western Australian Planning Commission.

JOHAN GILDENHUYS, Delegated Under S. 16 of the PD Act 2005.

Date: 29th October 2013.

Final approval granted—

JOHN DAY, Minister for Planning.

Date: 30th October 2013.

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